

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 10, 2019
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Samantha Cibula, Office of the General Counsel *SMC*
RE: Docket No. 19981097-GU

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2019 JUN 11 AM 8:10
COMMISSION
CLERK

TONI JENNINGS
President



Senator Walter "Skip" Campbell, Chairman
Representative Bill Posey, Vice Chairman
Senator Ginny Brown-Waite
Senator Lisa Carlton
Representative O. R. "Rick" Minton, Jr.
Representative Adam H. Putnam

JOHN THRASHER
Speaker



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

CARROLL WEBB, EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

March 22, 1999

Mr. Richard C. Bellak
Division of Appeals
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Public Service Commission Rule 25-12.005

Dear Mr. Bellak:

Please send me a copy of the updated federal standards incorporated by reference in this rule. When the rule is filed for adoption, the incorporated materials must also be filed and accompanied by a certification as described in Department of State Rule 1S-1.005. Another copy of such documents need not be supplied to this office at that time.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Rosner".

John Rosner
Staff Attorney

#118480
JR:CW S:\ATTY\25-12.JR

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99 MAR 24 PM 1:32
FLORIDA STATE SENATE
DIVISION OF APPEALS

TONI JENNINGS
President



JOHN THRASHER
Speaker



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

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Representative Adam H. Putnam

CARROLL WEBB, EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

May 4, 1999

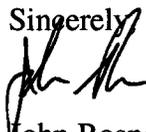
Mr. Richard Bellak
Division of Appeals
Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Public Service Commission Rule 25-12.005

Dear Mr. Bellak:

The certification of materials incorporated by reference and filed for adoption with rule 25-12.005 does not comply with Department of State Rule 1S-1.005. Paragraph (2) of the rule directs that the certification page must "state a description of the referenced material. The certification filed by the Commission contains the cryptic statement "Natural Gas Pipeline Safety Amendments to 192 Since Last Adoption." Therefore, an amended certification should be provided to the Bureau of Administrative Code as soon as possible which specifies that the provisions of Parts 191, 192, and 199 of Title 49, CFR as amended through October 20, 1998 and as identified in the rule are incorporated by reference.

In addition, the documents provided to this office along with the package of materials filed for adoption only include Parts 192 and 199. Please confirm to me that all three parts were filed for adoption. The omission of any part negates the enforceability of any of the pertinent provisions therein. It is not necessary to provide me with another copy of the materials, inasmuch as they have been previously supplied.

Sincerely

John Rosner
Staff Attorney

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99 MAY -5 PM 2:41
DIVISION OF APPEALS

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

May 11, 1999

Mr. John Rosner
Joint Administrative Procedures
Committee
Room 120, Holland Building
Tallahassee, FL 32399-1300

Dear Mr. Rosner:

RE: Public Service Commission Rule 25-12.005

In response to your letter of May 4, 1999, an amended certification was provided to the Bureau of Administrative Code as specified. I can also confirm to you that all three parts of Title 49, CFR as amended (Parts 191, 192 and 199) were filed for adoption.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Bellak".

Richard C. Bellak
Division of Appeals

RCB

M E M O R A N D U M

May 6, 1999

TO : DIVISION OF RECORDS & REPORTING
FROM : RICHARD C. BELLAK, ASSOCIATE GENERAL COUNSEL *RCB*
RE : DOCKET NO. 981097-GU - PROPOSED AMENDMENT OF RULE 25-12.005, F.A.C., CODES AND STANDARDS ADOPTED (UPDATE OF GAS PIPELINE SAFETY CODES)

We inadvertently omitted the attached material when we originally filed the certification on April 14, 1999. The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., May 7, 1999. The Certification includes:

- (1) An original and two certified copies the materials "Parts 191, 192 and 199 of Title 49, CFR as amended through October 20, 1998 and as identified in the rule", incorporated by reference into rule.

AMD12005.RCB
Attachments

DOCKET NO. 981097-GU

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;
or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;
or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-12.005

Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: May 13 1999
(month) (day) (year)

Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records & Reporting

84
Number of Pages Certified

(S E A L)

RCB

CERTIFICATION OF
MATERIALS INCORPORATED BY REFERENCE
IN RULES FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are copies of the following material incorporated by reference in Rule 25-12.005, F.A.C.. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

"Parts 191, 192 and 199 of Title 49, CFR as amended through October 20, 1998 and as identified in the rule"

Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records & Reporting

81
Number of Pages Certified

(S E A L)

RCB

DEPARTMENT OF STATE
ALLAHASSEE, FLORIDA
99 MAY -7 PM 2:55
FILED

CFR – 191

Amdts. 191-9 through 14

9	01/06/92 191.27	FILING OFFSHORE PIPELINE CONDITION REPORTS
10	4/26/96 191.Auth., .3, .19, .25	REPORTING & RECORD KEEPING REQUIREMENTS
11	7/3/96 191.1	DELETION OF PHRASE "ON THE OUTER CONTINENTAL SHELF (OCS)"
12	3/19/98 191.1	MEMORANDUM WITH THE DEPARTMENT OF THE INTERIOR
13	5/4/98 191.21	CORRECT CHART HEADING
14	7/13/98 191.14	METRIC EQUIVALENTS

FILED
99 MAY -7 PM 2:55
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Docket No. PS-120; Amdts. 190-4, ~~191-9~~ 192-67, and 195-47

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192, and 195

[Docket No. PS-120; Amdts. 190-4, 191-9, 192-67, and 195-47]

RIN 2137-AB96

**Inspection and Burial of
Offshore Gas and Hazardous
Liquid Pipelines**

AGENCY: Research and Special Program Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: Natural gas and hazardous liquid pipelines buried in shallow offshore waters in the Gulf of Mexico have been involved in accidents with fishing and other vessels. Public Law 101-599 was enacted to determine the extent to which pipelines in shallow waters in the Gulf of Mexico may be a hazard to fishing vessels. This Final Rule implements the immediate provisions of Public Law 101-599 amending the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979. Under this final rule, operators of natural gas and hazardous liquid pipelines are required to do the following: (1) Conduct an underwater inspection of pipelines in the Gulf of Mexico and its inlets located in water less than 15 feet deep, by November 16, 1992; (2) report to the Coast Guard those pipelines which have been discovered to be exposed or otherwise present a hazard to navigation and mark such pipelines with a buoy; and (3) bury, within 6 months, those pipelines identified under (2) above, or by any other person. This Final Rule also provides for reporting the results of the underwater inspection to the Department, as well as providing for criminal penalties for damaging, removing, defacing, or destroying a pipeline marker buoy.

EFFECTIVE DATE: The effective date of this final rule is January 6, 1992.

FOR FURTHER INFORMATION CONTACT: Cesar DeLeon, (202) 366-1640, regarding the subject matter of this amendment or the Dockets Unit, (202) 366-4148, regarding copies of this amendment or other material in the docket.

**SUPPLEMENTARY
INFORMATION:**

Background

The RSPA issued a Notice of Proposed Rulemaking (NPRM) on April 29, 1991, (56 FR 19627) proposing regulations to implement the immediate provisions of Public Law 101-599 (enacted November

16, 1990) to conduct underwater inspections of pipelines in shallow waters in the Gulf of Mexico and its inlets. This law was enacted to address the consequences of recent accidents involving fishing vessels that struck pipelines in shallow waters in the Gulf.

On July 24, 1987, a fishing vessel struck and ruptured an 8-inch diameter natural gas liquid pipeline while maneuvering in shallow waters in the Gulf of Mexico off the coast of Louisiana. The released gas ignited, resulting in the deaths of two crewmen. The pipeline was originally installed in 1968 and buried onshore, parallel to the shoreline. In the intervening years, the shoreline underwent substantial erosion, and at the time of the accident, the pipeline reportedly was exposed on the seabed in open water approximately 1 mile offshore.

On October 3, 1989, a 160-foot menhaden fishing vessel, the Northumberland, struck a Natural Gas Pipeline Co. 16-inch diameter offshore gas transmission pipeline about a 1/2 nautical mile offshore in the Gulf of Mexico near Sabine Pass, Texas. Natural gas under a pressure of 835 psig was released. An undetermined source onboard the vessel ignited the gas and engulfed the vessel in flames. Eleven of fourteen crew members died as a result of the accident.

In February 1990, at the request of RSPA, a joint task force was formed, made up of five Federal agencies and two state agencies to develop solutions to the risks posed by the co-existence of pipelines and vessel operations in the Gulf of Mexico. The agencies represented were RSPA, the Minerals Management Service (MMS) of the Department of the Interior, the National Ocean Service of the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, the U.S. Army Corps of Engineers, the Texas Railroad Commission, and the Louisiana Office of Conservation. A report prepared by the joint task force is available in the docket. On April 9, 1990, the RSPA sent an Alert Notice to all operators of natural gas and hazardous liquid pipelines located in offshore waters to advise pipeline operators of recurring safety problems involving marine vessel operations and to alert them that exposed pipelines pose a threat to the safety of the crews of fishing vessels in shallow coastal waters. It also advised pipeline operators to identify and correct any conditions that would violate applicable pipeline safety requirements. RSPA also sent the Alert Notice to several fishing associations to alert the commercial fishing industry to the potential hazards of exposed offshore pipelines.

The RSPA pipeline safety regulations currently require that all newly constructed gas and hazardous liquid offshore pipelines located in water less than 12 feet in depth must have a minimum of 36 inches of cover or 18 inches in consolidated rock (49 CFR 192.327 and 195.248). Newly constructed gas and hazardous liquid pipelines in offshore waters from 12 feet to 200 feet deep must be installed so that the top of the pipe is below the seabed unless the pipe is protected by other equivalent means (§§192.319 and 195.246). The MMS issues rights-of-way permits for pipelines on the Outer Continental Shelf (OCS) and requires that newly constructed pipelines be buried 36 inches (30 CFR 250.153). The Corps of Engineers issues permits for burial of offshore pipelines and normally requires that newly constructed pipelines be buried to a depth of 36 inches in water less than 200 feet deep. However, none of the three agencies currently require that pipeline operators conduct an underwater inspection of those pipelines.

Public Law 101-599

Public Law 101-599 amended the Natural Gas Pipeline Safety Act of 1968 (NGPSA)(49 U.S.C. 1671 *et seq.*) and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA)(49 U.S.C. 2001 *et seq.*), which are administered by the RSPA. The law requires that not later than 18 months after enactment or 1 year after issuance of regulations, whichever occurs first, the operator of each offshore gas or hazardous liquid pipeline facility in the Gulf of Mexico and its inlets shall inspect such pipeline facility and report to the Department on any portion of a pipeline facility which is "exposed" or is a "hazard to navigation" (as those terms are defined in this final rule). Therefore, this initial inspection must be completed by May 16, 1992 or 1 year after issuance of regulations, whichever comes first. This requirement shall apply to

pipeline facilities between the high water mark and the point where the subsurface is under 15 feet of water, as measured from mean low water. In accordance with Public Law 101-599, hazardous liquid gathering lines of 4 inch nominal diameter and smaller are excepted from this inspection. The Department may extend the time period for compliance with this inspection requirement for an additional period of up to 6 months for gas transmission pipeline facilities, or up to 1 year for hazardous liquid pipeline facilities. The law provides that any inspection of a pipeline facility which has occurred after October 3, 1989 (the date of the Northumberland accident) may satisfy the inspection requirements if it complies with the pertinent requirements in this final rule.

Public Law 101-599 requires the Department to establish standards by May 16, 1991, on what constitutes an "exposed pipeline facility," and what constitutes a "hazard to navigation." The law requires that pipeline operators report to the Department, through the appropriate Coast Guard offices, potential or existing navigational hazards involving pipeline facilities. As a result of the inspection, an operator of a pipeline facility who discovers any pipeline facility which is a hazard to navigation in water 15 feet deep or less as measured from mean low water, must mark the location with a Coast Guard approved marine buoy or marker and notify the Department. The law provides for criminal penalties for persons who willfully and knowingly damage, deface, remove, or destroy the marine buoy or marker. Public Law 101-599 also requires the Secretary of Transportation to issue regulations requiring each gas and hazardous liquid pipeline facility that has been inspected and found to be exposed or that constitutes a hazard to navigation, be buried within 6 months after the condition is reported to the Department.

Furthermore, Public Law 101-599 requires that not later than 30 months after enactment of the law, or May 16, 1993, the Secretary shall, on the basis of experience with the initial inspection program, establish a mandatory, systematic, and where appropriate, periodic inspection program of offshore pipeline facilities in the Gulf of Mexico and its inlets. This requirement will be addressed in a future rulemaking.

In addition, Public Law 101-599 amends the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*), which is administered by the Coast Guard to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipeline facilities to the Department through the appropriate Coast Guard field office. Upon notification by the pipeline operator or by any other person of a hazard to navigation, the Department will notify the Coast Guard, the Office of Pipeline Safety, other affected Federal and state agencies, and vessel owners and operators in the vicinity of the pipeline facility.

Advisory Committees

This regulatory document was twice brought before the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC). These advisory committees were established by statute to consider the feasibility, reasonableness, and practicability of proposed pipeline safety regulations.

The TPSSC met in Washington, DC on February 20, 1991 and the THLPSSC met in Washington, DC on February 21, 1991. These advisory committees informally discussed a draft NPRM, which proposed revisions to the regulations in Parts 192 and 195 regarding offshore pipelines. That draft notice considered by the advisory committees addressed the requirements in Public Law 101-599 as well as additional matters that were not included in the law but which had been addressed by the multi-agency task force formed after the Northumberland accident.

As a result of the opinion of the advisory committees, the proposed rule was narrowed to address only the immediate requirements of Public Law 101-599 and those requirements were proposed in the NPRM. The longer-term mandates of Public Law 101-599, as well as other offshore and underwater pipeline proposals that may merit consideration, will be addressed in a future proposed rulemaking.

Because the law has mandatory deadlines for issuance of the regulations and for completion of the

initial inspection, these regulations must be expedited. Therefore, after receiving comments on the NPRM, a summary of the comments together with the NPRM were mailed to each member of the advisory committees for a vote by mail.

After receiving a summary of the comments, both advisory committees voted by mail that the NPRM rule was technically feasible, reasonable, and practicable with certain revisions suggested by some of the members. Four members of the TPSSC voted that the proposed regulations were feasible, reasonable, and practicable as published in the Federal Register. Eight members agreed, but suggested revisions. Six members of the THLPSSC voted that the proposed regulations were feasible, reasonable, and practicable, as published in the Federal Register. Five members agreed, but suggested revisions. Some of the members did not vote. All of the revisions proposed by committee members are encompassed in the comments and recommendations made by commenters to the NPRM, and the disposition of these comments is addressed below in "DISCUSSION OF COMMENTS."

Discussion of Comments

RSPA received 27 comments in response to the Notice, including 13 from pipeline operators, 4 pipeline industry associations (American Gas Association, Gas Pipeline Technology Committee, American Petroleum Institute, and Interstate Natural Gas Association of America), the National Transportation Safety Board, the Department of the Interior, the National Fisheries Institute, the American Shrimp Processors Association, and comments from 3 individual members of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee. Some of the comments from pipeline companies were also signed by members of the advisory committees. RSPA appreciates comments on the NPRM provided by the members of the advisory committees. RSPA also appreciates the prompt submittal of comments considering the short comment period. The excellent comments received indicate that there was sufficient time for the commenters to prepare well-founded responses.

Miscellaneous Comments

The National Fisheries Institute commented that the Preamble to the NPRM stated that neither the RSPA, MMS, or Corps of Engineers requires that pipeline operators conduct an underwater inspection or maintain burial of offshore pipelines. The Fisheries Institute commented that while underwater inspections may not be conducted, the permits issued by the Corps of Engineers require that the depth of burial of offshore pipelines be maintained. The U.S. District Court for the Western District of Louisiana, Monroe Division, upheld that interpretation. RSPA and the Corps agree and have corrected this statement in the Preamble to this final rule.

A member of the THLPSSC raised the question of who would be responsible for inspecting abandoned pipelines. Also, the Louisiana Office of Conservation (LOC) stated that while they recognize that the accidents that occurred were caused by fishing vessels striking active pipelines, they remain concerned about the hazards to persons and property posed by pipeline facilities that have been abandoned in place and that are currently not subject to any inspection requirements. The LOC estimates that there are approximately 4,000 miles of abandoned pipelines in the offshore waters of Louisiana. The LOC commented that DOT has unquestioned authority to impose conditions for abandonment of pipelines and should require, as a pre-requisite to allowing abandonment in place, that the owners of such pipelines undertake to maintain their burial, or alternatively, remove them from the seabed.

RSPA agrees that this is a matter of concern and will reconvene the Task Force on Offshore Pipelines to consider the problems of abandoned pipelines in offshore waters. In addition, identical legislative proposals sponsored by Congressman Billy Tauzin and Senator John Breaux would amend the NGPSA

and the HLPSA to require that abandoned offshore pipelines be given the same safety considerations as pipelines currently in use. RSPA, in cooperation with the Task Force, will examine the issue of abandoned offshore pipelines as part of the subsequent offshore rulemaking noted previously. However, this final rule has been limited to the NPRM which incorporates the immediate requirements in Public Law 101-599.

Chevron commented that they interpreted the rulemaking to apply to lines constructed prior to the passage of the initial pipeline safety acts, NGPSA and HLPSA. Chevron observed that up to now, these lines have been "grandfathered" from meeting all construction requirements of parts 192 and 195 and if this were no longer true, the applicability sections of parts 192 and 195 should be modified to clarify whether these lines are being regulated and to what degree. Public Law 101-599 requires that all pipelines located in waters less than 15 feet deep in the Gulf of Mexico and its inlets be inspected and that all pipelines that are exposed or are a hazard to navigation be subject to notification, marking, and re-burial and does not make a distinction for pipelines that were constructed prior to the promulgation of the NGPSA and the HLPSA. Therefore, these proposed regulations requiring the inspection and re-burial of pipelines in the Gulf of Mexico and its inlets, are included in subpart L of part 192 (Operations) and in subpart F of part 195 (Operations and Maintenance), which are applicable to all pipelines regardless of when they were constructed.

Tenneco Gas commented that they expect the Coast Guard will recognize that agency's responsibility in this matter, and take steps to end the prevailing practice of fishing vessels running in waters that are too shallow for the draft of the vessel. Tenneco Gas further commented that the Coast Guard has the opportunity to bring about a great advance in offshore safety by formulating and enforcing minimum fishing boat standards covering maps, instruments, operator training, operator competence, and a prohibition against fishing boats navigating in waters that are insufficiently deep for the boat draft.

The Coast Guard is discussing these issues in their Commercial Fishing Industry Vessel Advisory Committee meetings. RSPA will continue to work with the Coast Guard and that advisory committee in exploring ways that commercial fishing operators can change their fishing practices to protect their vessels from the hazards of pipelines in shallow offshore waters.

The National Transportation Safety Board (NTSB) noted that the NPRM did not include all pipelines in the Gulf of Mexico, such as hazardous liquid pipelines operating at less than 20 percent of the pipe's specified minimum yield strength (SMYS) and hazardous liquid pipelines having 4-inch or less nominal diameter. The NTSB believes that future action by the RSPA must address all submerged pipelines that transport hazardous liquids based on the threat to public safety, rather than the pipeline's physical properties or operating characteristics. With regard to hazardous liquid pipelines having 4-inch or less nominal diameter, Public Law 101-599 specifically excepted hazardous liquid gathering lines of this size from these requirements. With regard to hazardous liquid pipelines operating at 20 percent or less of the pipe's SMYS, the current hazardous liquid pipeline safety regulations do not apply to pipelines at these low-stress levels. An Advance Notice of Proposed Rulemaking (ANPRM) issued by RSPA on October 31, 1990 (55 FR 45822) solicited comments and information for evaluation in determining whether and to what extent this exception should be removed from the regulations. If this exception of pipelines operating at 20 percent or less of SMYS is removed, the subsequent rulemaking on a mandatory and systematic inspection program of offshore pipelines in the Gulf of Mexico and its inlets as required by Public Law 101-599 would apply to such hazardous liquid pipelines.

The following additional points, set forth in the Preamble in the NPRM, bear repeating here. This final rule incorporates all of the immediate requirements of Public Law 101-599 for which RSPA is responsible. These regulations apply similarly to both gas transmission and hazardous liquid pipeline facilities, and are applicable to interstate and intrastate offshore pipelines. In accordance with the current requirements in §§192.1 and 195.1, these rules are applicable to offshore pipeline facilities on the OCS as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

However, in accordance with the current requirements in §§192.1(b)(1) and 195.1(b)(5), this amendment would not apply to the offshore gathering of gas or hazardous liquids upstream from the outlet flange of each facility on the OCS where hydrocarbons are produced or where hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream. The Minerals Management Service (MMS) has responsibility for gathering of gas or hazardous liquids upstream from that outlet flange pursuant to a 1976 memorandum of understanding between the Department of the Interior and the Department of Transportation. It should also be noted that gathering lines do not include production flow lines. The appropriate distinction between production flow lines and gathering lines will be addressed in an upcoming NPRM proposing to revise the definition of a gathering line.

It is also important to note that for the purpose of this final rule, the term "pipeline facilities," as set forth in Public Law 101-599, was not used. "Pipeline facilities" is defined by RSPA regulations (§§192.3 and 195.2) to include such facilities as offshore platforms that are not intended to be buried. There is no indication to suggest that such structures were intended to be addressed by the statute. Therefore, the final rule applies to pipelines which, in accordance with the definition of "pipeline" in §§192.3 and 195.2, means all parts of those physical facilities through which gas or hazardous liquids move in transportation, including pipe, valves, and other appurtenances attached to a pipe.

Part 191.1. A member of the TPSSC observed that currently, part 191 applies to operators of gas pipeline facilities; and yet, proposed §191.27 in the NPRM was meant to apply to operators of hazardous liquid pipeline facilities, as well as operators of gas pipeline facilities. The American Petroleum Institute (API) also commented that because part 191 has traditionally addressed natural gas pipelines, they recommended that RSPA remove the applicability of proposed §191.27 to hazardous liquid pipelines and provide a parallel provision in part 195.

RSPA agrees. RSPA had expected §191.27 to be a precursor of a future relocation of all the reporting requirements in subpart B of part 195 to part 191. However, in the meantime, proposed §191.27 in the NPRM has been adopted as applicable only to natural gas pipelines, and a new §195.57 has been inserted in subpart B of part 195 to be applicable to hazardous liquid pipelines.

Exxon commented that the location of an exposed pipeline and a pipeline that is a hazard to navigation as addressed in proposed §191.17 (a)(5) and §191.27(a)(6), respectively, may not be able to be identified according to an MMS or state offshore area and block number tract. This is due to the fact that inlets in the Gulf may not be subject to such identification. RSPA agrees and has revised §191.27(a)(5) and (a)(6) and §195.57(a)(5) and (a)(6) to require that the operator report the location of each pipeline segment that is exposed or is a hazard to navigation. In addition, if available, the location must be cited according to MMS or state offshore area and block number tract. Where an MMS or state offshore area and block number tract are not available, the location must be reported by the name of the bay or inlet or by other suitable location reference.

The Interstate Natural Gas Association of America (INGAA) noted that the Preamble stated that the definition of a "hazard to navigation," i.e., where a pipeline is buried less than 12 inches below the seabed, subsumes the definition of "exposed pipeline" where the pipeline is protruding above the seabed. INGAA believes that separate reports should not be required. RSPA has not incorporated these two reporting requirements into one reporting requirement because in addition to the mandates in Public Law 101-599, RSPA is interested in getting information if a pipeline is exposed or buried less than 12 inches. This information will be relevant to the subsequent rulemaking on a mandatory, systematic, and, if appropriate, periodic inspection program as required by Public Law 101-599. Therefore, both terms, "exposed pipeline" and "hazard to navigation" remain in the regulations in Parts 192 and 195.

Section 192.1. Exxon found fault with proposed §191.1(b)(2)(iii). They noted that the Preamble stated that the proposed §191.1(b)(2)(iii) is intended to clarify that gathering lines in the Gulf of Mexico and its inlets will be subject to the proposed inspection, marking, and reburial requirements in §§192.612 and 195.413. They interpret that the following language proposed in §192.1 (b)(12):

(b) This part does not apply to—

(2) Onshore gathering of gas *outside of* (emphasis added) * * *

(iii) Inlets of the Gulf of Mexico except as provided in §192.612 could be construed to reverse the intent of this NPRM, making gathering lines within inlets of the Gulf of Mexico subject to part 192 except the provisions of §192.612. RSPA does not interpret this regulation in the same manner as Exxon. Nonetheless, RSPA agrees that wording suggested by Exxon may be clearer and has revised this regulation in accordance with the suggestion.

Sections 192.3 and 195.2. Practically all of the industry commenters thought that the term "inlets" in the definition of "Gulf of Mexico and its inlets" in §§192.3 and 195.2 should be better defined. Many industry commenters thought that inlets could be interpreted to include rivers, tidal marshes, lakes, and canals. Public Law 101-599 was enacted to assure that pipelines in shallow offshore waters where commercial fishing vessels navigate will not pose a hazard to those vessels. In that context, the Fisheries Institute, which also commented that inlets should be better defined, attached a list where menhaden and other commercial fishing activities take place. The Fisheries Institute commented that the list was not an exhaustive list but was submitted in hope that it would help in better defining "Gulf of Mexico and its inlets." The list was:

1. Fresh Water Bayou/Inter-coastal Waterway to Calcasieu River, Cameron, Louisiana.
2. Calcasieu Pass, Cameron, Louisiana.
3. Intercoastal Waterway to Morgan City, Louisiana.
4. South West Pass across Vermillion Bay, Intercoastal City, Louisiana.
5. Fresh Water Bayou, Intercoastal City, Louisiana.
6. Houma Navigation Channel/Intercoastal Waterway to Bayou Chene, Morgan City, Louisiana.
7. Houma Navigation Channel through Grand Calliou Bayou/Calliou Lake, DuLac, Louisiana.
8. Houma Navigation Canal through Cat Island Pass, DuLac, Louisiana.
9. East Pascagoula River, Moss Point, Mississippi.

RSPA is including this list in the Preamble in order to assist pipeline operators in identifying where menhaden and commercial fishing activities take place. Most industry commenters proposed that the definition be revised to be limited to inlets that are open to the sea. Many of these industry commenters also proposed that the exclusion of such inlets as rivers, tidal marshes, lakes, and canals be set forth in the regulation. RSPA agrees that the inlets must be better defined and has revised this definition in the final rule to refer to inlets open to the sea excluding rivers, tidal marshes, lakes, and canals.

It is important to repeat information set forth in the Preamble in the NPRM regarding the term "mean low water." That term is used in this regulation to conform with the language used in Pub. L. 101-599. "Mean low water" can be considered to denote "mean lower low water" as used in the nautical chart datum of the National Ocean Service.

Some commenters argued that the definitions of exposed pipeline and hazard to navigation should be limited to water from 3 feet to 15 feet deep, asserting that vessels do not operate in water less than 3 feet deep or that vessels operating in such shallow waters would be incapable of damaging a pipeline. Some of these commenters also stated that it would be difficult to conduct underwater inspections in such shallow waters. Enron proposed similar changes and suggested that a definition for "shallow waters" be incorporated in the definitions limiting such waters from 3 to 15 feet.

RSPA does not agree. There are locations in the offshore waters of Louisiana where the seabed deepens very slowly and 3 feet of depth may be a considerable distance out into open waters. Fishing vessels navigate in such shallow waters, especially when some of these offshore areas have silty and soft seabeds where the hulls of the commercial fishing vessels may intrude into the silty seabed and damage the pipeline. In addition, RSPA is not aware of great difficulties regarding underwater inspections in offshore

waters less than 3 feet deep. More importantly, the law requires underwater inspections in waters less than 15 feet deep; so this comment was not incorporated.

Sections 192.612 and 195.413. The Gas Piping Technology Committee (GPTC) commented that many prudent operators of pipelines in the Gulf of Mexico have historically conducted periodic inspections of their offshore pipelines and those operators should be permitted to use an inspection conducted prior to October 3, 1989 as the inspection required in §§192.612 and 195.413, especially in an area of stable seabed conditions. RSPA does not agree. RSPA doubts that those inspections may have included determining the depth of burial of the pipelines. The language of the law is clear that only inspections conducted after October 3, 1989 can be used in compliance with the initial inspection; thus, RSPA has not adopted this recommendation.

Exxon commented that the proposed rules exclude hazardous liquid gathering lines of 4-inch nominal diameter or smaller from the inspection and suggested that a similar exclusion be provided for gas gathering lines. RSPA does not agree. While that exclusion for hazardous liquid gathering lines was provided in the law, such an exclusion was not provided for gas gathering lines. RSPA believes that all gathering lines should be handled similarly and is excluding hazardous liquid gathering lines of less than 4-inch nominal diameter only because of the exclusion in the law. RSPA does not see a reason to deviate from the law with regard to gas gathering lines of less than 4-inch nominal diameter.

Many industry commenters stated that it would be very difficult to complete the inspection by 18 months after enactment of the law, (May 16, 1992), or one year after the issuance of the regulations, whichever came first. Some industry commenters asked that the time for the initial inspection be extended to the end of the 1992 summer construction season. Transco suggested that this could be accomplished by using the provisions of the law that provide for an extension of time of 6 months, or November 16, 1992 for gas pipelines. (It should be noted that the law provides for an extension of time of one year, or May 16, 1993 for hazardous liquid pipelines.) Transco also suggested that operators who act in good faith to complete the necessary surveys in a prudent and cost effective manner, but have been unsuccessful in completing the inspection because of scheduling problems, should be afforded that consideration. This regulation, which will be effective on January 6, 1992, goes beyond the May 16, 1992 deadline. However, an extension beyond that date would be in keeping with the intent of the law where just cause exists. RSPA has participated in many forums regarding these regulations and concludes that the pipeline operators are acting in good faith, with due diligence and care, in conducting these inspections. Therefore, RSPA will utilize this provision in the law to extend the deadline for conducting this initial inspection for all pipeline operators and has made this requirement effective on November 16, 1992. Furthermore, because of the emerging development of underwater inspection technology during this period, such an extension is justified. This date for completion of the initial inspection is approximately at the end of the 1992 summer construction season in keeping with the suggestions made by industry commenters. RSPA does not see reason for extending this requirement further for hazardous liquid pipelines.

Sections 192.621(b) and 195.413(b). Several industry commenters objected to the term "discovery" used in proposed §§192.621(b), (b)(1), (b)(2), and (b)(3) and 195.413(b), (b)(1), (b)(2), and (b)(3). Those commenters believe that the term "discovery" should be changed to "determines." Those commenters stated that in areas where there is a congestion of pipelines, an exposed pipeline may be discovered but time should be allowed for the operator to determine if the pipeline belongs to the operator or if it is an abandoned pipeline.

It should be noted that the proposed rule was applicable to an operator that "** * * discovers that a pipeline it operates is exposed * * **" (italicized for emphasis). Therefore, the operator must determine that an exposed pipeline it discovers is a pipeline that it operates. Therefore, RSPA does not believe that the term "discover" needs to be revised and has not adopted this recommendation.

Tenneco Gas commented that there is a deficiency in the existing gas pipeline safety regulations (§192.327(e)) that has been carried forward in this proposed rule. The proposed rule appears to require

that offshore pipelines must be buried under actual material covering the top of the pipe, rather than being situated in a trench of a certain depth below the natural bottom of the seabed. Tenneco argued that long accepted offshore pipeline construction practice requires jetting-in a trench capable of accommodating the pipeline at least 3 feet beneath the natural bottom of the sea. In soft and silty bottoms, currents soon fill in this trench providing actual burial cover, but where a more consolidated bottom is encountered, the trench may never silt in and the pipe is never really covered although it is adequately protected from passing vessels by the steep walls of the trench. For the purpose of pipeline burial in an offshore environment, Tenneco suggested that the concept of burial should refer to the top of the pipe being beneath the normal surrounding seabed. The API made similar arguments regarding the use of the term "burial" in the definition of a hazard to navigation.

RSPA agrees. The Preamble in the regulation issued in 1976 regarding burial of offshore pipeline recognized these offshore construction practices but did not adequately craft the wording of the regulation accordingly. Revisions have been made to the burial requirements in §§192.612 (b)(3) and 195.413(b)(3) and the definition of a hazard to navigation to clarify that the top of the pipeline must be a certain depth below the seabed rather than having to be buried. A revision has also been made to the definition of exposed pipeline to clarify that the top of the pipeline would have to be protruding above the seabed for the pipeline to be considered exposed.

In this regard, the NTSB recommended that "seabed" be defined. The NTSB recognized that the Gulf of Mexico seabed consists of soft soils or silt that make it difficult to define. However, NTSB believes that unless the term seabed is defined, pipeline operators will have no standard by which to implement requirements and OPS will have no measure by which to judge compliance.

RSPA recognizes that many offshore areas in the Gulf of Mexico do not have an easily definable seabed, but still believes that establishing a qualitative measurement of the ocean bottom, such as silt density, would be impracticable because of shifting and varying silt density on the ocean bottom. Therefore, the NTSB recommendation was not adopted.

The Department of the Interior (DOI) recommended that a hazard to navigation be defined as a pipeline less than 36 inches below the seabed in water less than 15 feet deep. DOI commented that a vessel of less than 1600 gross tons operating without a nautical chart and navigating in a manner such that its hull touches the seabed could easily cut through a natural gas or oil pipeline fully buried in 36 inches of silt of unspecified density. DOI further recommended that a pipeline should be marked until such time as the pipeline is reburied to at least 36 inches below the seabed. The NTSB also argued that pipelines be considered a hazard to navigation if not buried 36 inches because testimony at that agency's hearings indicate that commercial fishing vessels may intrude 2 or more feet into the seabed.

RSPA recognizes the hazards to pipelines that are not adequately buried in soft silt. However, RSPA believes, based on what it knows today, that it is technologically impracticable to expect that the initial 36 inches of burial be continuously maintained in light of the shifting silty seabed. RSPA believes that requiring that the top of the pipeline be at least 12 inches below the seabed provides adequate protection while recognizing the unstable offshore environment in the Gulf of Mexico. The Fisheries Institute, representing the commercial fishing industry, also recognized the difficulties of maintaining the burial of offshore pipelines, and supported requiring that pipelines remain buried only 12 inches. Commercial fishing representatives have indicated to RSPA staff engineers that intrusion of fishing vessels into the seabed would rarely exceed 12 inches because a vessel cannot be extricated from the seabed in such a situation. Therefore, this comment was not adopted.

Many industry commenters objected to having to bury the pipeline within 6 months after discovery that a pipeline is exposed or a hazard to navigation. Those commenters argued that depending on when the discovery is made, weather conditions could make reburial within that time period a difficult, costly, and perhaps hazardous procedure. These commenters stated that the summer construction season is generally recognized as the safest time for underwater work of any kind in the Gulf. Panhandle Eastern

raised an additional issue that shrimp spawn in the spring and take several weeks to mature. They also said that oysters spawn in the spring and take several years to mature but the first several weeks are critical for survival. panhandle Eastern stated that scheduling reburial during this season may be highly detrimental to the reproduction of the shellfish.

RSPA agrees that some flexibility should be permitted for the reburial of the pipelines that are determined to be exposed or a hazard to navigation. Public Law 101-599 permits RSPA to extend the 6 months for reburial with respect to a pipeline facility for such period as is reasonable. RSPA believes that the reasons stated by some commenters — particularly regarding weather conditions during the winter which could make reburial within 6 months a difficult, costly, and perhaps hazardous procedure - justify extending the 6 month period for reburial. Therefore, this proposed requirement has been amended in this final rule to allow for reburial not later than November 1 of the following year if the 6 month period is later than November 1 of the year that an operator discovers that a pipeline it operates is exposed or a hazard to navigation.

Submar, Inc. commented that the current regulations permit less cover than the 36 inches for normal excavation or 18 inches for rock excavation for offshore pipelines if it is impracticable to comply with the minimum cover requirement, and the proposed rule did not provide that flexibility. That commenter stated that protective mats could be placed over a pipeline requiring reburial that could adequately protect the pipeline. RSPA drafted the proposed rule in accordance with the law that requires reburial.

In addition, RSPA is not sufficiently familiar with the use of these protective mats. Further, the current regulations provide such an option only if it is impracticable to comply with the current cover requirements, making such an option rare. However, RSPA will consider this proposal in a subsequent rulemaking on a mandatory and systematic inspection program of offshore pipelines in the Gulf of Mexico and its inlets as required by Public Law 101-599.

Chevron commented that referencing 33 CFR part 64 as a means to mark pipelines does not provide adequate guidance for pipeline operators. Chevron wondered what minimum buoy placement interval operators should use as a guide to mark an exposed pipeline. If an interval less than one mile is specified, Chevron is concerned that an adequate supply of buoys may not exist. the GPTC commented that Coast Guard buoys are unduly restrictive and costly (about \$900) to be used for a short period of time while the pipeline is scheduled for reburial. The GPTC argued that reflective type buoys that are lower in cost should be permitted, stating that some local Coast Guard Commanders have previously demanded the use of the higher priced, lighted buoys.

RSPA does not agree that the buoys to be used to mark a pipeline should be reflective type buoys because they will only be used up to 6 months. Reflective buoys are very difficult to see at night. The coast Guard Commanders, being familiar with the offshore waters in their districts, are in a better position to determine the type of buoy that should be used in that district. Therefore, RSPA believes that the local Coast Guard Commander should specify the type of buoy in accordance with 33 CFR part 64, and should not be restricted to low cost reflective buoys. RSPA has been advised by the Coast Guard that they require yellow lighted buoys having a yellow light flashing not more than 30 times per minute. In addition, RSPA concludes that the placement of a buoy should be at the ends of the pipeline segment and at intervals of not more than 500 yards. However, if the pipeline segment that requires marking is less than 200 yards, the segment need only be marked at the center of the segment. One mile intervals, as proposed by Chevron is too far of a distance to indicate that there is an underwater hazard. RSPA has consulted with the Coast Guard concerning these requirements. The Coast Guard advises that a list of supply sources for buoys can be obtained by contacting the Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396; telephone (504) 589-2944 or 589-6234.

Two industry commenters stated that reporting a pipeline to the Coast Guard within 24 hours after discovery did not provide sufficient time under certain circumstances. Since an operator must determine

that an exposed pipeline is a pipeline that it operates, this should provide adequate time to notify the Coast Guard 24 hours after discovery that the pipeline is exposed or a hazard to navigation. Therefore, RSPA is not adopting this comment. This final rule has been revised to require pipeline operators to notify the National Response Center, telephone: 1-800- 424-8802, rather than the U.S. Coast Guard, as was proposed in the Notice. The National Response Center is operated by the Coast Guard and will provide the information to the appropriate Coast Guard district office. This final rule requires that the report to the National Response Center include the location of the pipeline segment. The coast Guard has advised RSPA that the location should be identified by Loran—C coordinates, state plane coordinates, geographic coordinates consisting of latitude and longitude in degrees, minutes, and seconds or by other equivalent methods.

Texaco and API argued that marking the pipeline in 7 days may not provide sufficient time. They recommended 30 days. RSPA does not agree. Thirty days is too long a period to leave unmarked a pipeline that is exposed or a hazard to navigation. Seven days should provide sufficient time for marking a pipeline. Therefore, RSPA did not adopt this comment.

Cost/Benefit Analysis

The City of Florence Gas System commented that they would like to see a cost/benefit analysis conducted before the regulation becomes effective. RSPA has prepared such an evaluation and it is available in the docket. This evaluation estimates the present value of the benefits to be \$17.6 million and the present value of the costs to be \$8.7 million.

Chevron believes that the RSPA estimate of \$8,000 per mile for an initial inspection is very low. They believe that \$12,000 per mile is more realistic and that the costs may rise if equipment is not available. Chevron further observed that the costs of reburying exposed pipelines were not included in the cost/benefits analysis. They estimated that this rulemaking could cost \$50 million or as much as \$100 million if grandfathered pipelines are covered by this regulation. Conversely, the Fisheries Institute stated that the cost of \$8,000 per mile for an initial inspection is too high, indicating that \$7,000 is closer to the market value.

RSPA does not agree with Chevron that this rulemaking could cost \$50 million, much less \$100 million. RSPA conservatively estimates that approximately 1,000 miles of offshore pipelines will be subject to the inspection requirements. RSPA acknowledges that it is difficult to estimate the number of miles of pipeline that may be exposed or a hazard to navigation, and has used conservative cost figures as well as conservative benefit figures in developing the cost/benefit analysis. Realistic reburial costs have been factored into the analysis. The number of miles of pipelines that require reburial as a result of this initial inspection will be known and appropriately considered in any later rulemaking regarding periodic inspections. With respect to this rulemaking, these regulations were developed very narrowly in accordance with the law, and RSPA has determined that the expected benefits will exceed the expected costs.

Impact Assessment

The proposed rules are considered to be non-major under Executive Order 11591, and are not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979).

This proposed rulemaking is required by law. The costs of conducting the underwater inspections are now averaging less than \$3,000 per mile using recently developed technology. Some of the variables that affect the costs of conducting an underwater inspection are the amount of pipeline to be inspected, weather, mobilization costs, and location. Based on available data, there are less than 1,000 miles of offshore gas and hazardous liquid pipelines in the Gulf of Mexico and its inlets in water less than 15 feet

deep, so that it should cost less than \$8 million to conduct the initial inspection of these pipelines as mandated by Public Law 101-599. Costs are continuing to drop as better technology is developed and underwater inspections become more common. INGAA provided information regarding the underwater inspections that have been conducted as of June 23, 1990, and assuming that this data is representative of the findings in future underwater pipeline inspections, it appears that less than 1 percent of the offshore pipelines may be exposed above the seabed. However, information is not yet available to determine the percentage of the pipelines that may be a hazard to navigation (i.e., those pipelines buried less than 12 inches). Current pipeline technology can be used in reburying pipelines. The cost of reburying a pipeline also varies significantly depending on similar variable factors set forth above.

A Regulatory Evaluation has been prepared and is available in the docket. This evaluation estimates the present value of the benefits to be \$17.6 million and the present value of the costs to be \$8.7 million. Based on the facts available concerning the impact of this final rule, I certify under Section 605 of the Regulatory Flexibility Act that they would not have a significant impact on a substantial number of small entities because small entities do not operate pipelines offshore.

Paperwork Reduction Act

The final rule requires that pipeline operators report to RSPA pipelines in the Gulf of Mexico and its inlets that are exposed or a hazard to navigation. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), these information collection requirements have been approved by the Office of Management and Budget.

The reporting and recordkeeping requirements associated with this rule were submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35. The reporting and recordkeeping approval is No. 2137-0583.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. RSPA has determined that it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 190

Administrative practice and procedure, Penalties, Pipeline safety.

49 CFR Parts 191 and 192

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends 49 CFR parts 190, 191, 192 and 195 as follows:

PART 190—[AMENDED]

1. The authority citation for part 190 continues to read as follows:

Authority: 49 App. U.S.C. 1672, 1677, 1679a, 1679b, 1680, 1681, 1804, 2002, 2006, 2007, 2008, 2009, and 2010; 49 CFR 1.53.

2. Section 190.229 is amended by revising paragraph (d) to read as follows:

§190.229 Criminal penalties generally.

* * * * *

(d) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign, right-of-way marker, or marine buoy required by the NGPSA, the HLP SA, or the HMTA, or any regulation or order issued thereunder shall, upon conviction, be subject, for each offense, to a fine of not more than \$5,000, imprisonment for a term not to exceed 1 year, or both.

* * * * *

PART 191—[AMENDED]

1. The authority citation for part 191 continues to read as follows:

Authority: 49 App. U.S.C. 1681 (b) and 1808 (b); §§191.23 and 191.25 also issued under 49 App. U.S.C. 1672(a); and 49 CFR 1.53.

2. Section 191.27 is added to read as follows:

§191.27 Filing offshore pipeline condition reports.

(a) Each operator shall, within 60 days after completion of the inspection of all its underwater pipelines subject to §192.612(a), report the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Total number of miles of pipeline inspected.

(5) Length and date of installation of each exposed pipeline segment, and location, including if available, the location according to the Minerals Management Service or state offshore area and block number tract.

(6) Length and date of installation of each pipeline segment, if different from a pipeline segment identified under paragraph (a)(5) of this section, that is a hazard to navigation, and the location, including, if available, the location according to the Minerals Management Service or state offshore area and block number tract.

(b) The report shall be mailed to the Information Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

PART 192—[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

2. Section 192.1 is amended by adding paragraph (b)(3) to read as follows:

§192.1 Scope of part.

* * * * *

(b) * * *

(3) Onshore gathering of gas within inlets of the Gulf of Mexico except as provided in §192.612.

3. In §192.3, definitions of *Exposed pipeline*, *Gulf of Mexico and its inlets*, and *Hazard to navigation* are added in appropriate alphabetical order as follows:

§192.3 Definitions.

* * * * *

Exposed pipeline means a pipeline where the top of the pipe is protruding above the seabed in water less than 15 feet deep, as measured from the mean low water.

* * * * *

Gulf of Mexico and its inlets means the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet, as measured from the mean low water.

Hazard to navigation means, for the purpose of this part, a pipeline where the top of the pipe is less than 12 inches below the seabed in water less than 15 feet deep, as measured from the mean low water.

* * * * *

4. Section 192.612 is added to Subpart L to read as follows:

§192.612 Underwater inspection and reburial of pipelines in the Gulf of Mexico and its inlets.

(a) Each operator shall, in accordance with this section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992.

(b) If, as a result of an inspection under paragraph (a) of this section, or upon notification by any person, an operator discovers that a pipeline it operates is exposed on the seabed or constitutes a hazard to navigation, the operator shall—

(1) Promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802 of the location, and, if available, the geographic coordinates of that pipeline;

(2) Promptly, but not later than 7 days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards long, except that a pipeline segment less than 200 yards long need only be marked at the center; and

(3) Within 6 months after discovery, or not later than November 1 of the following year if the 6 month period is later than November 1 of the year the discovery is made, place the pipeline so that the top of the pipe is 36 inches below the seabed for normal excavation or 18 inches for rock excavation.

PART 195—[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 App. U.S.C. 2001 *et seq*; 49 CFR 1.53.

2. Section 195.1 is amended by revising paragraph (b)(4) to read as follows:

§195.1 Applicability.

* * * * *

(b) * * *

(4) Transportation of petroleum in onshore gathering lines in rural areas except gathering lines in the inlets of the Gulf of Mexico subject to §195.413;

* * * * *

3. In §195.2, definitions of *Exposed pipeline*, *Gulf of Mexico and its inlets*, and *Hazard to navigation* are added in appropriate alphabetical order as follows:

§195.2 Definitions.

* * * * *

Exposed pipeline means a pipeline where the top of the pipe is protruding above the seabed in water less than 15 feet deep, as measured from the mean low water.

* * * * *

Gulf of Mexico and its inlets means the waters from the mean high water mark of the coast of the Gulf of Mexico and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet, as measured from the mean low water.

Hazard to navigation means, for the purpose of this part, a pipeline where the top of the pipe is less than 12 inches below the seabed in water less than 15 feet deep, as measured from the mean low water.

* * * * *

4. Section 195.57 is added to Subpart B to read as follows:

§195.57 Filing offshore pipeline condition reports.

(a) Each operator shall, within 60 days after completion of the inspection of all its underwater pipelines subject to §195.413(a), report the following information:

(1) Name and principal address of operator.

(2) Date of report.

(3) Name, job title, and business telephone number of person submitting the report.

(4) Total number of miles of pipeline inspected.

(5) Length and date of installation of each exposed pipeline segment, and location, including, if available, the location according to the Minerals Management Service or state offshore area and block number tract.

(6) Length and date of installation of each pipeline segment, if different from a pipeline segment identified under paragraph (a)(5) of this section, that is a hazard to navigation, and the location, including, if available, the location, according to the Minerals Management Service or state offshore area and block number tract.

(b) The report shall be mailed to the Information Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

4. Section 195.413 is added to subpart F to read as follows:

§195.413 Underwater inspection and reburial of pipelines in the Gulf of Mexico and its inlets.

(a) Except for gathering lines of 4-inch nominal diameter or smaller, each operator shall, in accordance with this section, conduct an underwater inspection of its pipelines in the Gulf of Mexico and its inlets. The inspection must be conducted after October 3, 1989 and before November 16, 1992.

(b) If, as a result of an inspection under paragraph (a) of this section, or upon notification by any person, an operator discovers that a pipeline it operates is exposed on the seabed or constitutes a hazard to navigation, the operator shall—

(1) Promptly, but not later than 24 hours after discovery, notify the national Response Center, telephone: 1-800-424-8802 of the location, and, if available, the geographic coordinates of that pipeline;

(2) Promptly, but not later than 7 days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards long, except that a pipeline segment less than 200 yards long need only be marked at the center; and

(3) Within 6 months after discovery, or not later than November 1 of the following year if the 6 month period is after November 1 of the year that the discovery is made, place the pipeline so that the top of the pipe is 36 inches below the seabed for normal excavation or 18 inches for rock excavation.

Issued in Washington, DC on November 27, 1991.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

[FR Doc. 91-28994 Filed 12-4-91; 8:45 am]

Amdt. ~~190-6~~; Docket No. PS 145

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192, 193, 195, 198, and 199

[Docket No. PS 145; Amdt Nos. 190-6; ~~190-6~~ 192-74 (192-75); 193-10; 195-55; 198-2; 199-13]

RIN 2137-AC79

Pipeline Safety Program Procedures; Update and Corrections

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correcting amendments.

SUMMARY: In response to the President's Regulatory Reinvention Initiative, this rulemaking updates and corrects pipeline safety program procedures by amending nomenclature, addresses, amendment summaries, typographical errors, and penalty amounts. These editorial amendments impose no new procedural requirements.

EFFECTIVE DATE: April 26, 1996.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick at 202-366-5523 or online at herrickl@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

In a memorandum dated March 4, 1995, the President provided direction to the heads of Departments and Agencies on carrying out his regulatory reform initiative for reinventing the government. As part of this initiative, RSPA reviewed existing pipeline safety regulations and identified those that are outdated or in need of reform. RSPA also conducted public outreach meetings to discuss the pipeline safety program. A theme of this process and an issue often raised during the course of the outreach meetings and other recent public contacts is the need to keep existing regulation updated. As a result, RSPA reviewed its pipeline safety program procedures, 49 CFR parts 190-199 and identified numerous instances in which these regulations were not up to date. These discrepancies include titles, addresses, amendment summaries, typographical errors and statutory citations. For example, references to the Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act have been deleted and replaced with references to Public Law 103-272. Enacted on July 5, 1994, Public Law 103-272 revised, codified, and enacted the provisions of those Acts without substantive change as Chapter 601 of Title 49, United States Code. This amendment makes those corrections. In addition, unnecessary gender specific terms have been changed to gender neutral terms and other minor corrections have been made. Since these amendments do not impose new requirements, notice and public procedure are unnecessary.

Rulemaking Analysis and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). This final rule does not require a Regulatory Impact Analysis, or a regulatory evaluation or an environmental assessment or impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

I certify that this rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor corrections which will not impose any new requirements on persons subject to the Pipeline Safety Regulations; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

Lists of Subjects

49 CFR Part 190

Administrative practice and procedure, Penalties, Pipeline safety.

49 CFR Part 191

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, Security measures.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 198

Grant programs, Formula, Pipeline safety.

49 CFR Part 199

Alcohol testing, Drug testing, Pipeline safety, Reporting and recordkeeping requirements.

Accordingly, 49 CFR parts 190, 191, 192, 193, 195, 198, and 199 are corrected by making the following amendments:

PART 190—[AMENDED]

1. The authority citation for part 190 is revised to read as follows:

Authority: 49 U.S.C. 5123, 60108, 60112, 60117, 60118, 60120, 60122, and 60123; and 49 CFR 1.53.

2. Section 190.1 is amended by revising paragraph (a) to read as follows:

§190.1 Purpose and scope.

(a) This part prescribes procedures used by the Research and Special Programs Administration in carrying out duties regarding pipeline safety under 49 U.S.C. 60101 et seq. (the pipeline safety laws) and 49 U.S.C. 5101 et seq. (the hazardous material transportation laws).

* * * * *

3. Section 190.3 is revised to read as follows:

§190.3 Definitions.

As used in this part:

Hearing means an informal conference or a proceeding for oral presentation. Unless otherwise specifically prescribed in this part, the use of "hearing" is not intended to require a hearing on the record in accordance with section 554 of title 5, U.S.C.

OPS means the Office of Pipeline Safety, which is part of the Research and Special Programs Administration, U.S. Department of Transportation.

Person means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Presiding Official means the person who conducts any hearing relating to civil penalty assessments, compliance orders or hazardous facility orders.

Regional Director means the head of any one of the Regional Offices of the Office of Pipeline Safety, or a designee appointed by the Regional Director. Regional Offices are located in Washington, DC (Eastern Region); Atlanta, Georgia (Southern Region); Kansas City, Missouri (Central Region); Houston,

Texas (Southwest Region); and Lakewood, Colorado (Western Region). *Respondent* means a person upon whom the OPS has served a notice of probable violation. RSPA means the Research and Special Programs Administration of the United States Department of Transportation.

State means a State of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

4. Section 190.7 is amended by revising paragraphs (d) and (i), introductory text, to read as follows:

§190.7 Subpoenas; witness fees.

* * * * *

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (g) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at the person's office with the person in charge thereof, leaving them at the person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to the person at the last known address, or by any method whereby actual notice is given to the person and the fees are made available prior to the return date.

* * * * *

(i) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the official who issued the subpoena, or if the person is unavailable, to the Administrator, RSPA to quash or modify the subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The Administrator, RSPA, or this issuing official, as the case may be, may:

* * * * *

5. Section 190.9 is amended by revising paragraph (b)(1)(i) to read as follows:

§190.9 Petitions for finding or approval.

* * * * *

(b) * * *

(1) * * *

(i) The State agency certified to participate under 49 U.S.C. 60105.

* * * * *

6. Section 190.201 is amended by revising paragraph (a) to read as follows:

§190.201 Purpose and scope.

(a) This subpart describes the enforcement authority and sanctions exercised by the Associate Administrator, OPS for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions.

* * * * *

7. Section 190.203 is amended by revising paragraphs (a), (b)(1), (b)(4), and (d) to read as follows:

§190.203 Inspections.

(a) Officers, employees, or agents authorized by the Associate Administrator, OPS upon presenting appropriate credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the requirements of 49 U.S.C. 60101 et seq. or regulations, or orders issued thereunder.

(b) * * *

(1) Routine scheduling by the Regional Director of the Region in which the facility is located;

* * * * *

(4) Report from a State Agency participating in the Federal Program under 49 U.S.C. 60105;

* * * * *

(d) To the extent necessary to carry out the responsibilities under 49 U.S.C. 60101 et seq., the Administrator, RSPA or the Associate Administrator, OPS may require testing of portions of pipeline facilities that have been involved in, or affected by, an accident. However, before exercising this authority, the Administrator, RSPA or the Associate Administrator, OPS shall make every effort to negotiate a mutually acceptable plan with the owner of those facilities and, where appropriate, the National Transportation Safety Board for performing the testing.

* * * * *

8. Section 190.205 is revised to read as follows:

§190.205 Warning letters.

Upon determining that a probable violation of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder has occurred, the Associate Administrator, OPS may issue a Warning Letter notifying the owner or operator of the probable violation and advising the operator to correct it or be subject to enforcement action under §§190.207 through 190.235.

9. Section 190.207 is amended by revising paragraphs (a) and (c) to read as follows:

§190.207 Notice of probable violation.

(a) Except as otherwise provided by this subpart, a Regional Director begins an enforcement proceeding by serving a notice of probable violation on a person charging that person with a probable violation of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder.

* * * * *

(c) The Associate Administrator, OPS may amend a notice of probable violation at any time prior to issuance of a final order under §190.213. If an amendment includes any new material allegations of fact or proposes an increased civil penalty amount or new or additional remedial action under §190.217, the respondent shall have the opportunity to respond under §190.209.

10. Section 190.209 is amended by revising the introductory text and paragraphs (c) and (d) to read as follows:

§190.209 Response options.

Within 30 days of receipt of a notice of probable violation the respondent shall respond to the Regional Director who issued the notice in the following way:

* * * * *

(c) An offer in compromise under paragraph (a) of this section is made by submitting a check or money order for the amount offered to the Regional Director who forwards the offer to the Associate Administrator, OPS for action. If the offer in compromise is accepted by the Associate Administrator, OPS the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise submitted under paragraph (a) of this section is rejected by the Associate Administrator, OPS it is returned to the respondent with written notification. Within 10 days of receipt of such notification, the respondent shall again respond to the Regional Director in one or more of the ways provided in paragraph (a) of this section.

(d) Failure of the respondent to respond in accordance with paragraph (a) of this section or, when applicable, paragraph (c) of this section, constitutes a waiver of the right to contest the allegations in the notice of probable violation and authorizes the Associate Administrator, OPS, without further notice to the respondent, to find facts to be as alleged in the notice of probable violation and to issue a final order under §190.213.

11. Section 190.211 is amended by revising paragraphs (a), (b), (d), and (j) to read as follows:

§190.211 Hearing.

(a) A request for a hearing provided for in this part must be accompanied by a statement of the issues that the respondent intends to raise at the hearing. The issues may relate to the allegations in the notice, the proposed corrective action (including a proposed amendment, a proposed compliance order, or a proposed hazardous facility order), or the proposed civil penalty amount. A respondent's failure to specify an issue may result in waiver of the respondent's right to raise that issue at the hearing. The respondent's request must also indicate whether or not the respondent will be represented by counsel at the hearing. (b) In such circumstances as deemed appropriate by the Regional Director, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing.

* * * * *

(d) The hearing is conducted informally without strict adherence to rules of evidence. The respondent may submit any relevant information and material and call witnesses on the respondent's behalf. The respondent may also examine the evidence and witnesses presented by the government. No detailed record of a hearing is prepared.

* * * * *

(j) After submission of all materials during and after the hearing, the presiding official shall prepare a written recommendation as to final action in the case. This recommendation, along with any material submitted during and after the hearing, shall be included in the case file which is forwarded to the Associate Administrator, OPS for final administrative action.

12. Section 190.213 is amended by revising paragraph (a), (b)(4), (c), introductory text, and (e) to read as follows:

§190.213 Final order.

(a) After a hearing under §190.211 or, if no hearing has been held, after expiration of the 30 day response period prescribed in §190.209, the case file of an enforcement proceeding commenced under §190.207 is forwarded to the Associate Administrator, OPS for issuance of a final order. (b) * * *

(4) The Regional Director's evaluation of response material submitted by the respondent and recommendation for final action to be taken under this section; and

* * * * *

(c) Based on a review of a case file described in paragraph (b) of this section, the Associate Administrator, OPS shall issue a final order that includes—

* * * * *

(e) It is the policy of the Associate Administrator, OPS to issue a final order under this section within 45 days of receipt of the case file, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

13. Sections 190.215 is revised to read as follows:

§190.215 Petitions for reconsideration.

(a) A respondent may petition the Associate Administrator, OPS for reconsideration of a final order issued under §190.213. It is requested, but not required, that three copies be submitted. The petition must be received no later than 20 days after service of the final order upon the respondent. Petitions received after that time will not be considered. The petition must contain a brief statement of the complaint and an explanation as to why the effectiveness of the final order should be stayed.

(b) If the respondent requests the consideration of additional facts or arguments, the respondent must submit the reasons they were not presented prior to issuance of the final order.

(c) The Associate Administrator, OPS does not consider repetitious information, arguments, or petitions.

(d) Unless the Associate Administrator, OPS otherwise provides, the filing of a petition under this section does not stay the effectiveness of the final order.

(e) The Associate Administrator, OPS may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event the Associate Administrator, OPS reconsiders a final order, a final decision on reconsideration may be issued without further proceedings, or, in the alternative, additional information, data, and comment may be requested by the Associate Administrator, OPS as deemed appropriate.

(f) It is the policy of the Associate Administrator, OPS to issue notice of the action taken on a petition for reconsideration within 20 days after receipt of the petition, unless it is found impracticable to take action within that time. In cases where it is so found and delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the respondent.

14. Section 190.217 is revised to read as follows:

§190.217 Compliance orders generally.

When the Associate Administrator, OPS has reason to believe that a person is engaging in conduct which involves a violation of the 49 U.S.C. 60101 et seq. or any regulation issued thereunder, and if the nature of the violation, and the public interest warrant, the Associate Administrator, OPS may conduct proceedings under §§ 190.207 through 190.213 of this part to determine the nature and extent of the violations and to issue an order directing compliance.

15. Section 190.219 is amended by revising paragraph (a) to read as follows:

§190.219 Consent order.

(a) At any time before the issuance of a compliance order under §190.213 the Associate Administrator, OPS and the respondent may agree to dispose of the case by joint execution of a consent order. Upon such joint execution, the consent order shall be considered a final order under §190.213.

* * * * *

16. Section 190.221 is revised to read as follows:

§190.221 Civil penalties generally.

When the Associate Administrator, OPS has reason to believe that a person has committed an act which is a violation of any provision of the 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder, proceedings under §§ 190.207 through 190.213 may be conducted to determine the nature and extent of the violations and to assess and, if appropriate, compromise a civil penalty.

16a. Section 190.223 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder, is subject to a civil penalty not to exceed \$10,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed \$500,000 for any related series of violations.

(b) Any person who knowingly violates a regulation or order under this subchapter applicable to offshore gas gathering lines issued under the authority of 49 U.S.C. 5101 et seq is liable for a civil penalty of not more than \$25,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(c) Any person who is determined to have violated any standard or order under under 49 U.S.C. 60103 shall be subject to a civil penalty of not to exceed \$50,000, which penalty shall be in addition to any other penalties to which such person may be subject under paragraph (a) of this section.

* * * * *

17. Section 190.225, the introductory text, is revised to read as follows:

§190.225 Assessment considerations.

The Associate Administrator, OPS assesses a civil penalty under this part only after considering:

* * * * *

18. Section 190.227 is amended by revising paragraphs (c) and (d) to read as follows:

§190.227 Payment of penalty.

* * * * *

(c) Within 20 days after the respondent's receipt of a final order assessing a civil penalty issued under §190.213, the respondent may offer to compromise the assessed penalty by submitting, in the

manner required by paragraph (a) of this section, payment in the amount offered. The Chief Counsel or designee may accept or reject the compromise offer on behalf of the Associate Administrator, OPS. If it is accepted, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If the compromise offer is rejected it will be returned to the respondent with written notification. Within 20 days after the respondent's receipt of such notification, payment of the full amount of the civil penalty assessed in the final order becomes due. The provisions of paragraph (b) of this section regarding district court or Federal magistrate court action for penalty collection apply upon failure of the respondent to pay the assessed penalty within that time period.

(d) If the respondent elects to make an offer in compromise to a civil penalty proposed in a notice of probable violation issued under §190.207, the respondent shall do so in accord with the procedures of §190.209.

19. Section 190.229 is amended by revising paragraphs (a) through (d) to read as follows:

§190.229 Criminal penalties generally.

(a) Any person who willfully and knowingly violates a provision of 49 U.S.C. 60101 et seq. or any regulation or order issued thereunder shall upon conviction be subject for each offense to a fine of not more than \$25,000 and imprisonment for not more than five years, or both.

(b) Any person who willfully violates a regulation or order under this subchapter issued under the authority of 49 U.S.C. 5101 et seq. as applied to offshore gas gathering lines shall upon conviction be subject for each offense to a fine of not more than \$25,000, imprisonment for a term not to exceed 5 years, or both.

(c) Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any interstate transmission facility or any interstate pipeline facility (as those terms are defined in 49 U.S.C. 60101 et seq.) shall, upon conviction, be subject for each offense to a fine of not more than \$25,000, imprisonment for a term not to exceed 15 years, or both.

(d) Any person who willfully and knowingly defaces, damages, removes, destroys any pipeline sign, right-of-way marker, or marine buoy required by 49 U.S.C. 60101 et seq. or 49 U.S.C. 5101 et seq., or any regulation or order issued thereunder shall, upon conviction, be subject for each offense to a fine of not more than \$5,000, imprisonment for a term not to exceed 1 year, or both.

* * * * *

20. Section 190.231 is revised to read as follows:

§190.231 Referral for prosecution.

If an employee of the Research and Special Programs Administration becomes aware of any actual or possible activity subject to criminal penalties under §190.229, the employee reports it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. The Chief Counsel refers the report to OPS for investigation. Upon completion of the investigation and if appropriate, the Chief Counsel refers the report to the Department of Justice for criminal prosecution of the offender.

21. Section 190.233 is amended by revising paragraphs (a), (b), (c)(2), (c)(4), (d), (e) introductory text, (e)(5), (g) and (h) to read as follows:

§190.233 Hazardous facility orders.

(a) Except as provided by paragraph (b) of this section, if the Associate Administrator, OPS finds, after reasonable notice and opportunity for hearing in accord with paragraph (c) of this section, and §190.211(a), a particular pipeline facility to be hazardous to life or property, the Associate Administrator, OPS shall issue an order pursuant to this section requiring the owner or operator of the facility to take corrective action. Corrective action may include suspended or restricted use of the facility, physical inspection, testing, repair, replacement, or other action, as appropriate.

(b) The Associate Administrator, OPS may waive the requirement for notice and hearing under paragraph (a) of this section before issuing an order pursuant to this section when the Associate Administrator, OPS determines that the failure to do so would result in the likelihood of serious harm to life or property. However, the Associate Administrator, OPS shall include in the order an opportunity for hearing as soon as practicable after issuance of the order. The provisions of paragraph (c)(2) of this section apply to an owner or operator's decision to exercise such an opportunity for hearing. The purpose of such a post-order hearing is for the Associate Administrator, OPS to determine whether the order should remain in effect or be rescinded or suspended in accord with paragraph (g) of this section.

(c) * * *

(2) An owner or operator elects to exercise his opportunity for a hearing under this section, by notifying the Associate Administrator, OPS of that election in writing within 10 days of service of the notice provided under paragraph (c)(1) of this section or, under paragraph (b) of this section when applicable. Absence of such written notification waives an owner or operator's opportunity for a hearing and allows the Associate Administrator, OPS to proceed to issue a "hazardous facility order" in accordance with paragraphs (d) through (h) of this section.

* * * * *

(4) Within 48 hours after conclusion of a hearing under this section, the Presiding Official shall submit a recommendation to the Associate Administrator, OPS as to whether or not a "hazardous facility order" is required. Upon receipt of the recommendation, the Associate Administrator, OPS shall proceed in accordance with paragraphs (d) through (h) of this section. If the Associate Administrator, OPS finds the facility to be hazardous to life or property the Associate Administrator, OPS shall issue an order in accordance with this section. If the Associate Administrator, OPS does not find the facility to be hazardous to life or property, the Associate Administrator, OPS shall dismiss the allegations contained in the notice, and promptly notify the owner or operator in writing by service as prescribed in §190.5.

(d) The Associate Administrator, OPS may find a pipeline facility to be hazardous under paragraph (a) of this section:

(1) If under the facts and circumstances the Associate Administrator, OPS determines the particular facility is hazardous to life or property; or

(2) If the pipeline facility or a component thereof has been constructed or operated with any equipment, material, or technique which the Associate Administrator, OPS determines is hazardous to life or property, unless the operator involved demonstrates to the satisfaction of the Associate Administrator, OPS that, under the particular facts and circumstances involved, such equipment, material, or technique is not hazardous to life or property.

(e) In making a determination under paragraph (d) of this section, the Associate Administrator, OPS shall consider, if relevant:

* * * * *

(5) Such other factors as the Associate Administrator, OPS may consider appropriate.

* * * * *

(g) The Associate Administrator, OPS shall rescind or suspend a hazardous facility order whenever the Associate Administrator, OPS determines that the facility is no longer hazardous to life or property. When appropriate, however, such a rescission or suspension may be accompanied by a notice of probable violation issued under §190.207.

(h) At any time after an order issued under this section has become effective, the Associate

Administrator, OPS may request the Attorney General to bring an action for appropriate relief in accordance with §190.235.

* * * * *

22. Section 190.235 is revised to read as follows:

§190.235 Injunctive action.

Whenever it appears to the Associate Administrator, OPS that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of 49 U.S.C. 60101 et seq. or any regulations issued thereunder, the Administrator, RSPA, or the person to whom the authority has been delegated, may request the Attorney General to bring an action in the appropriate U.S. District Court for such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages as provided under 49 U.S.C. 60120 and 49 U.S.C. 5123.

23. Section 190.237 is amended by revising paragraph (a) to read as follows:

§190.237 Amendment of plans or procedures.

(a) A Regional Director begins a proceeding to determine whether an operator's plans or procedures required under parts 192, 193, 195, and 199 of this subchapter are inadequate to assure safe operation of a pipeline facility by issuing a notice of amendment. The notice shall provide an opportunity for a hearing under §190.211 of this part and shall specify the alleged inadequacies and the proposed action for revision of the plans or procedures. The notice shall allow the operator 30 days after receipt of the notice to submit written comments or request a hearing. After considering all material presented in writing or at the hearing, the Associate Administrator, OPS shall determine whether the plans or procedures are inadequate as alleged and order the required amendment if they are inadequate, or withdraw the notice if they are not. In determining the adequacy of an operator's plans or procedures, the Associate Administrator, OPS shall consider:

* * * * *

PART 191--[AMENDED]

1. The authority citation for part 191 is revised to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

2. Section 191.3 is amended by removing the definition of Secretary, and adding the definition of Administrator to read as follows:

§191.3 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

3. Section 191.19 is revised to read as follows:

§191.19 Report forms.

Copies of the prescribed report forms are available without charge upon request from the address given in §191.7 Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the Administrator.

4. Section 191.25 is amended by revising paragraph (a) to read as follows:

§191.25 Filing safety-related condition reports.

(a) Each report of a safety-related condition under §191.23(a) must be filed (received by the Associate Administrator, OPS) in writing within five working days (not including Saturday, Sunday, or Federal Holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by facsimile at (202) 366-7128.

* * * * *

PART 192--[AMENDED]

1. The authority citation for Part 192 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

2. Section 192.11 is amended by revising paragraph (b)(2) to read as follows:

§192.11 Petroleum gas systems.

* * * * *

(b) * * *

(2) Below ground structures must have forced ventilation that will prevent any accumulation of gas.

* * * * *

3. Section 192.227 is amended by revising paragraph (b) introductory text, to read as follows:

§192.227 Qualification of welders.

* * * * *

(b) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of appendix C to this part. A welder who makes welded service line connections to mains must also perform an acceptable test weld under section II of appendix C to this

part as part of the qualifying test. After initial qualification, a welder may not perform welding unless:

* * * * *

4. Section 192.361 is amended by revising paragraph (f)(1) to read as follows:

§192.361 Service lines: Installation

* * * * *

(f) * * *

(1) It must be encased in a gas tight conduit;

* * * * *

5. Section 192.367 is amended by revising paragraph (a) to read as follows:

§192.367 Service lines: General requirements for connections to main piping.

(a) Location. Each service line connection to a main must be located at the top of the main or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

* * * * *

6. Section 192.511 is amended by revising paragraph (a) to read as follows:

§192.511 Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

* * * * *

7. Section 192.603 is amended by revising paragraph (c) to read as follows:

§192.603 General provisions.

* * * * *

(c) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws, (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

9. Section 192.623, the heading, is revised to read as follows:

§192.623 Maximum and minimum allowable operating pressure; Low-pressure distribution systems.

* * * * *

PART 193--[AMENDED]

1. The authority citation for part 193 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53.

2. Section 193.2001 is amended by revising paragraph (a) to read as follows:

§193.2001 Scope of part.

(a) This part prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 et seq.) and Part 192 of this chapter.

* * * * *

3. Section 193.2007 is amended by revising the definition of Administrator and the definition of g to read as follows:

§193.2007 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

g means the standard acceleration of gravity of 9.806 meters per second² (32.17 feet per second²).

* * * * *

4. Section 193.2017 is amended by revising paragraph (a) to read as follows:

§193.2017 Plans and procedures.

(a) Each operator shall maintain at each LNG plant the plans and procedures required for that plant by this part. The plans and procedures must be available upon request for review and inspection by the Administrator or any State Agency that has submitted a current certification or agreement with respect to the plant under the pipeline safety laws (49 U.S.C. 60101 et seq.). In addition, each change to the plans or procedures must be available at the LNG plant for review and inspection within 20 days after the change is made.

* * * * *

5. Section 193.2321 is amended by revising paragraph (a) to read as follows:

§193.2321 Nondestructive tests.

(a) The following percentages of each day's circumferentially welded pipe joints for hazardous fluid piping, selected at random, must be nondestructively tested over the entire circumference to indicate any defects which could adversely affect the integrity of the weld or pipe:

Weld type	Cryogenic piping	Other	Test method
Butt welds more than 2	100	30	Radiographic or

inches in nominal size.					ultrasonic.
Butt welds 2 inches or less in nominal size.	100		30		Radiographic, ultrasonic, liquid penetrant or magnetic particle.
Fillet and socket welds	100		30		Liquid penetrant or magnetic particle.

* * * * *

6. Section 193.2515 is amended by revising paragraph (c) to read as follows:

§193.2515 Investigation of failures.

* * * * *

(c) If the Administrator or relevant state agency under the pipeline safety laws (49 U.S.C. 60101 et seq.) investigates an incident, the operator involved shall make available all relevant information and provide reasonable assistance in conducting the investigation. Unless necessary to restore or maintain service, or for safety, no component involved in the incident may be moved from its location or otherwise altered until the investigation is complete or the investigating agency otherwise provides. Where components must be moved for operational or safety reasons, they must not be removed from the plant site and must be maintained intact to the extent practicable until the investigation is complete or the investigating agency otherwise provides.

PART 195—[AMENDED]

1. The authority citation for part 195 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.58 is revised to read as follows:

§195.58 Address for written reports.

Each written report required by this subpart must be made to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2335, 400 Seventh Street SW., Washington DC 20590. However, accident reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to a certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) may be submitted in duplicate to that State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt to the Information Resources Manager. Safety-related condition reports required by §195.55 for intrastate pipelines must be submitted concurrently to the State agency, and if that agency acts as an agent of the Secretary with respect to interstate pipelines, safety-related condition reports for these pipelines must be submitted concurrently to that agency.

§195.402 [Amended]

3. Section 195.402 is amended by revising paragraph (b) to read as follows:

* * * * *

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

* * * * *

PART 198—[AMENDED]

1. The authority citation for part 198 is revised to read as follows:

Authority: 49 U.S.C. 60105, 60106, 60114; and 49 CFR 1.53.

2. Section 198.3 is amended by revising the definition for Underground pipeline facilities to read as follows:

* * * * *

Underground pipeline facilities means buried pipeline facilities used in the transportation of gas or hazardous liquid subject to the pipeline safety laws (49 U.S.C. 60101 et seq.).

* * * * *

3. Section 198.11 is revised to read as follows:

§198.11 Grant authority.

The pipeline safety laws (49 U.S.C. 60101 et seq.) authorize the Administrator to pay out funds appropriated or otherwise make available up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for each state agency to carry out a safety program for intrastate pipeline facilities under a certification or agreement with the Administrator or to act as an agent of the Administrator with respect to interstate pipeline facilities.

4. Section 198.31 is revised to read as follows:

§198.31 Scope.

This subpart implements parts of the pipeline safety laws (49 U.S.C. 60101 et seq.), which direct the Secretary to require each State to adopt a one-call damage prevention program as a condition to receiving a full grant-in-aid for its pipeline safety compliance program.

5. Section 198.35 is revised to read as follows:

§198.35 Grants conditioned on adoption of one-call damage prevention program.

In allocating grants to State agencies under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1674) and under section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2004), the Secretary considers whether a State has adopted or is seeking to adopt a one-call damage prevention program in accordance with §198.37. If a State has not adopted or is not

seeking to adopt such program, the State agency may not receive the full reimbursement to which it would otherwise be entitled. 6. Section 198.37 is amended by revising paragraphs (e) and (h) to read as follows:

§198.37 State one-call damage prevention program.

* * * * *

(e) Except with respect to interstate transmission facilities as defined in the pipeline safety laws (49 U.S.C. 60101 et seq.), operators of underground pipeline facilities must be required to participate in the one-call notification systems that cover the areas of the State in which those pipeline facilities are located.

* * * * *

(h) Operators of underground pipeline facilities (other than operators of interstate transmission facilities as defined in the pipeline safety laws (49 U.S.C. 60101 et seq.), and interstate pipelines as defined in §195.2 of this chapter), excavators and persons who operate one-call notification systems who violate the applicable requirements of this subpart must be subject to civil penalties and injunctive relief that are substantially the same as are provided under the pipeline safety laws (49 U.S.C. 60101 et seq.).

PART 199--[AMENDED]

1. The authority citation for part 199 is revised to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 199.3 is amended by revising the definition for Administrator and the definition for State agency to read as follows:

§199.3 Definitions.

* * * * *

Administrator means the Administrator of the Research and Special Programs Administration or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

* * * * *

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq.)

3. Section 199.7 is amended by revising paragraph (b) to read as follows:

§199.7 Anti-drug plan.

* * * * *

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

§199.205 [Amended]

4. Section 199.205 is amended by revising the definition for State agency to read as follows:

* * * * *

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq.).

* * * * *

Issued in Washington, DC, on March 28, 1996.

Rose A. McMurray, Acting Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 96-10282 Filed 4-25-96; 8:45 am]

BILLING CODE 4910-60-P

Docket PS-125, Notice 2; Amdt. ~~192-77~~

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192 and 193 (Amdts. 190.7, ~~192-77~~, 192-77, 193-12)

[Docket PS-125; Notice 2]

RIN 2137-AC28

Regulatory Reinvention Initiative: Pipeline Safety Program Procedures; Reporting Requirements; Gas Pipeline Standards; and Liquefied Natural Gas Facilities Standards

AGENCY: Research and Special Programs Administration (RSPA), DOT

ACTION: Final rule.

SUMMARY: This final rule changes various administrative practices in the Pipeline safety program and makes minor modifications to requirements for gas detection, protective enclosures, and pipeline testing temperatures. These changes will eliminate unnecessary or overly burdensome requirements, and reduce costs in the pipeline industries without compromising safety.

EFFECTIVE DATE: The effective date of this final rule is July 3, 1996. However, affected parties will not have to comply with the information collection requirements in 49 CFR Part 193 until the DOT publishes in the *Federal Register* the Control Numbers assigned by the Office of Management and Budget (OMB) to these collection of information requirements. Publication of the Control Numbers notifies the public that OMB has approved these requirements under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick, (202) 366-5523 or online at herrickl@rspa.dot.gov regarding the subject matter of this final rule, or the Dockets Unit, (202) 366-5046, regarding copies of this final rule or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background:

In a memorandum dated March 4, 1995, the President provided direction to the heads of Departments and agencies on carrying out his Regulatory Reform Initiative for reinventing the government. As part of this initiative, RSPA established a program to review existing pipeline safety regulations in order to identify those that were outdated or in need of reform.

On April 5, 1995, RSPA published a notice in the *Federal Register* soliciting comments from the pipeline industry as well as other interested parties (60 FR 17295, April 5, 1995). RSPA also conducted

three outreach meetings in 1995 in Dallas, TX, Lakewood CO, and Houston, TX. Many comments were received both at the outreach meetings and in response to the Federal Register notice.

As a result of these comments, RSPA revisited this rulemaking which began in 1992. On November 6, 1992, RSPA published a notice of proposed rulemaking (NPRM) (57 FR 53085, November 6, 1992) proposing changes to Parts 190, 191, 192 and 193. The comment period closed on December 7, 1992. RSPA received comments from 22 regulated pipeline companies, three pipeline trade associations, one consultant, one technical committee, and two state agencies (29 total comments received).

RSPA also requested a review of the proposal affecting natural gas facilities by mail balloting from the Technical Pipeline Safety Standards Committee (TPSSC). This 15-member committee was established by statute to consider the feasibility, reasonableness, and practicability of all proposed pipeline safety regulations,

After initial balloting, each TPSSC member reviewed the ballots and comments of each of the other members, and had the option to change his or her initial vote or comment if desired. Although some TPSSC members did not vote on every proposed change, a majority of TPSSC members found all the changes adopted by this rule to be technically feasible, reasonable, and practicable.

Changes to Part 190 Requirements

§190.203 Inspections.

Section 190.203(c) currently requires that, after an Office of Pipeline Safety (OPS) inspection, an operator must respond to a "Request for Specific Information within 30 days." RSPA proposed amending this section to increase the time to 45 days. The increase would enable the operator to provide RSPA with more complete information to use in evaluating inspection results.

RSPA received 19 comments from operators, State regulatory agencies and trade groups in response to this proposal. All commenters agreed that the time period should be extended. In addition, one commenter suggested that a further extension be granted to cases involving detailed "specific information" that may require longer than 45 days to gather.

RSPA Response

RSPA believes that 45 days will usually be adequate. In situations where more time is required the Regional Director has the authority to extend the time allowed for a response. Therefore, the revision is adopted as proposed.

§190.209 Response Options.

RSPA proposed deleting section 190.209(c). Section 190.209(c) currently allows a respondent to offer a compromise to a Notice of Probable Violation and Proposed Civil Penalty by submitting a check or money order for the amount offered to the Regional Director who forwards the offer to the Associate Administrator, OPS for action. If the Associate Administrator, OPS, accepts the offer in compromise, the respondent is notified in writing that the acceptance is in full settlement of the civil penalty action. If an offer in compromise is rejected, it is returned to the respondent with written notification.

RSPA received 19 comments from operators, State regulatory agencies and trade groups on the proposed deletion of §190.209(c). Most commenters agreed with the proposed deletion. Two commenters

disagree with the proposed deletion, preferring to retain the option and stating that §190.209(c) does not place an undue regulatory burden upon industry.

All commenters observed that the deletion also affects §190.209(a)(2) and §§190.227(a), (b), and (d) and that these sections should also be revised for consistency.

RSPA Response

Under current Federal policy, assessment of a penalty is not contemplated until after a finding of violation. As a result, RSPA has not routinely resolved cases without such findings. The submission of a check prior to establishing a finding of a violation unnecessarily restricts a company's cash flow during the pendency of the enforcement case. Therefore, RSPA is adopting this provision as proposed. In addition, RSPA is adopting the commenters' suggestions concerning §§190.209(a)(2); 190.227(a); 190.227(b), and 190.227(d).

Section §190.211(b)

Section 190.211(b) currently provides that in circumstances deemed appropriate by the Regional Director, and only if the respondent concurs, a telephone conference may be held in lieu of a hearing. RSPA proposed to require a telephone hearing for all probable violations involving penalty amounts under \$10,000 in which a hearing is requested.

Five commenters responded to this proposal stating that they believe the respondent should have the option of dealing with any probable violation in person. These commenters argue that the dollar amount of the assessment for an alleged violation may not be indicative of the complexity of the case.

RSPA Response

RSPA believes that the current practice of conducting telephone hearings where the amount is less than \$10,000 is cost effective. However, based upon the comments received, RSPA will allow respondents to request in-person hearings. Therefore, the section is amended to establish telephone hearings as the preferred rather than required method for amounts less than \$10,000.

Section 190.211(c)

§190.211(c) currently states that a hearing may, under limited circumstances, be conducted by a representative of the OPS region in which the facility is located. RSPA proposed in the NPRM that all hearings be conducted by an attorney from the Office of the Chief Counsel of RSPA. All commenters agree with this proposal.

RSPA Response

This section is amended as proposed.

Section 190.211(e)

Section 190.211(e) currently states that at the outset of a hearing in response to a Notice of Probable Violation, the material in the case file pertinent to the issues to be determined is presented by the presiding

official at the hearing. The respondent may examine and respond to or rebut this material. RSPA proposed to revise this regulation to provide the respondent the opportunity to review material in the case file pertinent to the issue prior to any hearing.

RSPA received 20 comments in response to §190.211. The comments were provided by an array of trade organizations, state regulatory agencies and operators. All commenters agree with the proposed language. However, two commenters recommend that the case file be automatically provided to all respondents at least 30 days before the hearing. They conclude that any respondent requesting a hearing will want to review all material in the case file and that automatically providing the material would eliminate unnecessary correspondence between the respondent and the agency.

RSPA Response

RSPA agrees that a copy of the case file should be provided to a respondent prior to a hearing. However, this practice should not include automatic mailing of a case file when a request for a hearing is submitted to the agency. The respondent may wish to address only some of the issues in the Notice of Probable Violation in the hearing- thus mailing the entire file may in some instances result in unnecessary expense. Therefore, §190.211 is amended as proposed in the NPRM. Section 190.211(f) is also amended to clarify that the respondent will continue to have the opportunity to offer any relevant information during the hearing.

Section 190.215 Petitions for reconsideration.

Section 190.215(d) currently states that the filing of a petition for reconsideration does not stay the effectiveness of the final order. The proposed revision would automatically stay payment of any civil penalty assessed if a petition for reconsideration is filed. This will result in cost savings to the pipeline operator by delaying civil penalty payments until a decision is made on the petition for reconsideration.

RSPA received 20 comments on the proposed rule from operators, State regulatory agencies and trade groups. All commenters support the proposed amendment. Two commenters suggested that all requirements or actions contained in a final order be stayed because the final order may require the respondent to make significant facility or operational modifications that may exceed the cost of any civil penalty and these expenses should be delayed, until final resolution of the case, unless a clear public safety risk exists.

RSPA Response

RSPA agrees that final orders requiring significant facility or operational modifications should sometimes be delayed until final resolution of the case. However, because an automatic stay could delay corrective actions related to safety without an evaluation of any potential impact of the delay, the rule does not provide for an automatic stay in the case of orders requiring action other than the payment of money. Stays in cases involving corrective action will be considered on a case-by-case basis.

Section 190.227 Payment of penalty

Section 190.227(a) currently states that payment of a civil penalty must be made by certified check or money order payable to the "Department of Transportation." RSPA proposed to continue to allow this

method for a civil penalty of less than \$10,000. Under new section 190.227(b), RSPA proposed to require that payments of \$10,000 or more be made by wire transfer through the Federal Reserve Communications System to the account of the U.S. Treasury.

In response to the proposed amendment of §190.227, RSPA received 20 comments from operators, State regulatory agencies, and trade groups. Most commenters agree with the proposed amendment. One commenter recommends that the proposed language in §190.227(b) be modified to read "twenty business days or thirty calendar days." This, he suggests, would aid smaller companies.

Four commenters disagree with the proposed changes to the regulation. They question RSPA's need to require wire transfers of civil penalties of \$10,000 or more. They argue that this restriction serves no purpose and unnecessarily limits the options of payees.

RSPA Response

RSPA is required by Departmental regulations (49 CFR 89.21(b)(3)) to collect amounts over \$10,000 through wire transfer. Therefore, the proposed amendment to section 190.227 will be adopted.

Changes to Part 191 Requirements

The following discussion explains the changes in Part 191:

Section 191.1 Scope

Currently section 191.1(b)(1) contains the phrase "on the Outer Continental Shelf (OCS)". RSPA proposed to delete this phrase because the regulation does not clearly specify where the applicability of Part 191 begins on offshore gathering lines in state waters. An operator recommended a similar change in comments responding to an NPRM proposing to clarify the definition of gathering lines (56 FR 48505; September 25, 1991; Docket PS-122).

RSPA's revision will clarify that Part 191 does not apply to field production lines; i.e., flow lines in state offshore waters, similar to the present exception on the OCS. No substantive comments were received in response to this proposal.

RSPA Response

Therefore, RSPA is amending section 191.1 as proposed.

Changes to Part 192 Requirements

The following discussion explains the change to Part 192:

Section 192.513 Test requirements for Plastic Pipelines

This regulation prescribes minimum test requirements for plastic pipelines to ensure discovery of all potentially hazardous leaks. RSPA proposed to amend paragraph (c) of the rule to clarify that, at elevated

temperatures, the test pressure is limited by the reduced hydrostatic strength of the thermoplastic material. RSPA also proposed to amend paragraph (d) of the rule which would benefit pipeline operators who during hot summer days are unable to pressure test newly constructed pipelines because the temperature of the thermoplastic material exceeds 38 deg C (100 deg F). The proposal would permit field pressure testing up to the same temperature used to determine hydrostatic design strength as defined by the design pressure formula in §192.121.

In response to the proposal, RSPA received 21 comments from operators, State regulatory agencies, and trade groups. Most commenters supported the intent of the proposed rule. However, a few commenters said that the wording of the proposed rule would undermine the intent. They were concerned that although the proposed rule would raise the temperature limit for testing of some pipelines (those with a long-term hydrostatic strength based on a temperature above 38 deg C (100 deg F), it would lower the currently allowable temperature limit for other pipelines (those whose long-term hydrostatic strength is based on a design temperature of less than 38 deg C (100 deg F)).

One commenter stated that many operators base their pressure ratings for plastic pipe on a standard temperature of 23 deg C (73 deg F). For many parts of the United States, this design standard is adequate because it exceeds the operating temperature of buried plastic piping in those geographical regions. However, temperatures above ground often exceed 23 deg C (73 deg F). The proposed rule would prohibit operators for whom this applies from conducting pressure tests on hotter days until temperatures fall below 23 deg C (73 deg F). The commenters suggested a better approach would be to limit test temperatures to the temperature at which the long-term hydrostatic design basis was determined only if the temperatures of the plastic piping material exceed 38 deg C (100 deg F).

RSPA Response

RSPA recognizes the difficulties associated with the language of the proposed rule. To better express the intent of this rule, the maximum temperature limit for testing of plastic pipelines will be set at either 38 deg C (100 deg F) or the temperature at which the long-term hydrostatic test was determined, whichever is greater.

In the discussion of the NPRM, it was stated that the Gas Piping Technology Committee (GPTC) proposed modified language in §§192.513(c) and (d). The GPTC has notified RSPA that although the GPTC Plastic Task Group is considering a similar proposal, the GPTC has not proposed any modified language.

Changes to Part 193 Requirements

The following discussion explains the changes to Part 193:

Section 193.2819 Gas detection.

Operators at LNG plants must continuously monitor all enclosed buildings for hazardous concentrations of flammable gases and vapors, using permanent detection systems that provide visible or audible alarms (§193.2819(f)). All enclosed buildings must be monitored, even if the building is not connected to a source of flammable fluid. For example, a tool shed that does not house a flammable fluid and is not connected to a source of flammable fluid must have a fixed gas detection and alarm system. Because RSPA's review concluded that the risk of flammable gas or vapor accumulating inside such buildings is negligible, we

proposed to apply §193.2819(f) only to buildings "that house a flammable fluid or are connected by piping or conduit to a source of flammable fluid."

Twelve TPSSC members supported the proposal completely, one member supported it but recommended deletion of "or conduit," and two members abstained. The reason given for deleting "or conduit" was that the National Electrical Code (NEC), referenced in Part 193, requires conduits between hazardous and nonhazardous areas to be sealed to prevent accidental migration of flammable gas or vapor.

RSPA received comments on the proposed rule from 15 operators, two pipeline-related associations, and one consultant. None of these commenters objected to the proposal. However, two commenters suggested we delete "or conduit" because of the NEC safeguard mentioned above, while two others suggested that "conduit" be modified by uninterrupted."

Two commenters recommended that RSPA expand the proposed exception to include buildings whose only source of flammable fluid is fuel for heating or cooking. When these sources were low pressure and odorized, it was concluded that they posed minimal risk.

RSPA Response

Deleting the words "or conduit" would not be appropriate because all existing conduits may not have been installed under current NEC standards and thus may not be sealed against possible intrusion of gas. However, in the final rule, RSPA has added the word "uninterrupted" between "or" and "conduit". This will relieve an operator from the need to protect a building which is sealed pursuant to the NEC against accidental migration of gas or vapor. We did not adopt the comment to expand the proposed exception to buildings whose only source of flammable fluid is fuel. The risk is not minimal in the context of an LNG plant. When LNG is piped into a building for heating or cooking, there is an opportunity for gas to escape undetected inside the building and ignite. However slight this opportunity, the potential consequences of any building fire or explosion are magnified by the LNG plant setting. Thus, we do not believe the existing rule should be relaxed further to exclude buildings whose only source of flammable fluid is gas for heating or cooking.

Section 193.2907 Protective enclosure construction.

Paragraphs (b)(1) through (3) and (c) of this rule dictate specific material and design features of protective enclosures (i.e., fences and walls) that surround certain LNG facilities. For example, fences must be chainlink of at least No. 11 American wire gauge. RSPA's review concluded that such prescriptive requirements are unnecessary and overly burdensome in view of the performance standard under §193.2907(a) governing the design and construction of protective enclosures. That standard provides that each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed. RSPA, therefore, proposed to repeal the prescriptive requirements and rely solely on the performance standard.

Twelve TPSSC members fully supported the proposal, one member supported it but recommended an editorial change, and two members abstained. The editorial change was not explained and has not been adopted.

RSPA received comments on the proposed rule from 12 operators and one pipeline-related association. Each of these commenters supported the proposal.

RSPA Response

Therefore, §193.2907 is amended as proposed.

Rulemaking Analyses:

Paperwork Reduction Act.

Documentation for the information collection requirements for Parts 191 and 193 was submitted to the Office of Management and Budget (OMB) during the original rulemaking processes. Currently, regulations in Part 191 are covered by OMB Control Numbers 2137-0522 and 2137-0578. The Control Numbers for regulations in Part 193 have expired and are currently in the process of renewal through review by OMB. Under the Paperwork Reduction Act, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Therefore the information collection requirements of Part 193 will not be effective until the renewal process is complete and is announced in a subsequent Federal Register notice. The applicable Control Number will remain 2137-0048. Part 190 imposes no paperwork requirements on the pipeline industry, Regulations in Part 192 are covered by OMB Control Numbers 2137-0049 and 2137-0583. The notice proposed no additional information collection requirements. Accordingly, there is no need to repeat those submissions in this final rule.

E. O. 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and therefore was not subject to review by the Office of Management and Budget. The rule is not significant under the Regulatory Policies and Procedures of the DOT (44 FR 11034, February 26, 1979). A Regulatory Evaluation has been prepared and is available in the Docket. RSPA estimates the changes to existing rules will result in an estimated savings of \$1,200,000 for the pipeline industry. without associated costs and with no adverse affect on safety. As discussed above, these savings will come largely from the elimination of unnecessary requirements.

Regulatory Flexibility Act

Few of the companies subject to this rulemaking meet the criteria for small companies. However, RSPA sought such impact information in response to this rulemaking. Accordingly, based on the facts available concerning the impact of the proposal and the response received, I certify under Section 605 of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities.

E. O. 12612

RSPA has analyzed the rule changes under the criteria of . Executive Order 12612 (52 FR 41685. October 30, 1987). We find it does not warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 190

Administrative practice and procedure, Penalties, and Pipeline safety.

49 CFR Part 191

Pipeline safety. Reporting and recordkeeping requirements.

49 CFR Part 192

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 193

Fire prevention, Pipeline safety, Reporting and recordkeeping requirements, and Security measures.
In consideration of the foregoing, RSPA is amending 49 CFR Parts 190, 191, 192, and 193 as follows:

Part 190 - [AMENDED]

1. The authority citation for Part 190 continues to read as follows:

Authority: 49 U.S.C. 5123, 60108, 60112, 60117, 60118, 60120, 60122, and 60123, and 49 CFR 153.

2. Section 190.203 is amended by revising paragraph (c) to read as follows:

§190.203 Inspections.

* * * * *

(c) If, after an inspection, the Associate Administrator, OPS believes that further information is needed to determine appropriate action, the Associate Administrator, OPS may send the owner or operator a "Request for Specific Information" to be answered within 45 days after receipt of the letter.

3. Section 190.209 is amended by removing paragraph (a)(2), by redesignating paragraph (a)(3) as paragraph(a)(2); by redesignating paragraph (a)(4) as (a)(3); and by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

4. Section 190.211 is amended by revising paragraphs (b), (c) and (e) to read as follows:

§190.211 Hearing.

* * * * *

(b) A telephone hearing will be held if the amount of the proposed civil penalty or the cost of the proposed corrective action is less than \$10,000, unless the respondent submits a written request for an in-person hearings. Hearings are held in a location agreed upon by the presiding official. OPS and the

respondent.

(c) An attorney from the Office of the Chief Counsel, Research and Special Programs Administration, serves as the Presiding official at the hearing.

* * * * *

(e) Upon request by respondent, and whenever practicable, the material in the case file pertinent to the issues to be determined is provided to the respondent 30 days before the hearing. The respondent may respond to or rebut this material at the hearing.

(f) During the hearing, the respondent may offer any facts, statements, explanations, documents, testimony or other items which are relevant to the issues under consideration.

* * * * *

5. Section 190.215 is amended by revising paragraph (d) to read as follows:

§190.215 Petitions for reconsideration.

(d) The filing of a petition under this section stays the payment of any civil penalty assessed. However, unless the Associate Administrator, OPS otherwise provides, the order, including any required corrective action, is not stayed.

6. Section 190.227 is amended by revising paragraphs (a) and (b); and by removing paragraphs (c) and (d) to read as follows:

§190.227 Payment of penalty.

(a) Except for payments exceeding \$10,000, payment of a civil penalty proposed or assessed under this subpart may be made by certified check or money order (containing the CPF Number for this case) payable to "U.S. Department of Transportation" to the Federal Aviation Administration, Mike Monroney Aeronautical Center, Financial Operations Division (AMZ-320), P.O. Box 25770, Oklahoma City, OK 73125, or by wire transfer through the Federal Reserve Communications System (Fedwire) to the account of the U.S. Treasury. Payments exceeding \$10,000 must be made by wire transfer. Payments, or in the case of wire transfers, notices of payment, must be sent to the Chief, General Accounting Branch (M-86.2), Accounting Operations Division, Office of the Secretary, room 2228, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

(b) Payment of a civil penalty assessed in a final order issued under §190.213 or affirmed in a decision on a petition for reconsideration must be made within 20 days after receipt of the final order or decision. Failure to do so will result in the initiation of collection action, including the accrual of interest and penalties, in accordance with 31 U.S.C. §3717 and 49 C.F.R. Part 89.

Part 191 - [AMENDED]

1. The authority citation for Part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 153.

2. Section 191.1 is amended by revising paragraph (b)(1) to read as follows:

§191.1 Scope.

* * * * *

(b) * * *

(1) Offshore gathering of gas upstream from the outlet flange of each facility where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream: or

Part 192 - [AMENDED]

1 - The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 153.

2. Section 192.513 is amended by revising paragraphs (c) and (d) to read as follows:

§192.513 Test requirements for plastic pipelines.

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 psig, whichever is greater. However, the maximum test pressure may not be more than three times the pressure determined under §192.121, at a temperature not less than the pipe temperature during the test.

(d) During the test, the temperature of thermoplastic material may not be more than 38 deg C (100 deg F), or the temperature at which the material's long-term hydrostatic strength has been determined under the listed specification, whichever is greater.

Part 193 - [AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, and 60113; 60118; and 49 CFR 153.

2. Section 193.2819 is amended by revising paragraph (f) to read as follows:

§193.2819 Gas detection.

* * * * *

(f) All enclosed buildings that house a flammable fluid or are connected by piping or uninterrupted conduit to a source of flammable fluid must be continuously monitored for the presence of flammable gases and vapors with a fixed flammable gas detection system that provides a visible or audible alarm outside the enclosed building. The systems must be provided and maintained according to the applicable requirements of ANSI/NFPA 59A.

3. Section 193.2907 is amended by revising paragraphs (a) and (b) to read as follows:

§193.2907 Protective enclosure construction.

(a) Each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed.

(b) Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening.

Issued in Washington D.C. on May 23, 1996.

Kelley S. Coyner,

Acting Deputy Administrator Research and Special Programs Administration

[FR Doc. 96-13770 Filed 5-31-96: 8:45 am]

BILLING CODE 4910-60-P

Docket No. RSPA 97-2096; Amdt No. [REDACTED]

DEPARTMENT OF TRANSPORTATION
Research and Special Programs Administration
49 CFR Parts 191, 192 and 195
RIN 2137-AC99

Pipeline Safety: Regulations Implementing Memorandum of Understanding With the Department of the Interior

ACTION: Direct final rule.

SUMMARY: This direct final rule (DFR) would implement a provision of a December 10, 1996, Memorandum of Understanding (MOU) between the Department of the Interior (DOI) and the Department of Transportation (DOT) regarding Outer Continental Shelf (OCS) pipelines by redesignating the point at which an OCS pipeline is subject to RSPA regulations. Under this rule, RSPA would establish and enforce design, construction, operation, and maintenance regulations and investigate certain accidents for all pipelines located downstream of the point at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator.

DATES: This direct final rule takes effect March 19, 1998. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by January 20, 1998 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the Federal Register by February 17, 1998, after the close of the comment period, to confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and to withdraw the DFR in whole or in part. RSPA may then incorporate the adverse comment into a subsequent DFR or may publish a notice of proposed rulemaking.

ADDRESSES: Written comments on the subject of this DFR may be submitted to the Dockets Facility, U.S. Department of Transportation, 400 Seventh Street, SW, Plaza 401, Washington, DC 20590-0001. Comments should identify the docket number of this DFR, RSPA-97-2096. Persons should submit the original and one copy. Persons wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard. Alternatively, comments may be submitted via e-mail to le.herrick@rspa.dot.gov. The Dockets facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: L.E. Herrick, (202) 366-5523 or e-mail le.herrick@rspa.dot.gov regarding the subject matter of this DFR, or the Dockets Facility, (202) 366-5046, regarding copies of this DFR or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

Under an MOU dated May 6, 1976, RSPA regulated hazardous liquid, carbon dioxide, and natural gas pipelines located downstream of the outlet flange of each facility where hydrocarbons are first produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream. DOI regulated those pipelines located upstream of this point. The Departments agreed to change this regulatory boundary with the signing of the December 10, 1996, MOU. The 1996 MOU was the result of negotiations that began in the summer of 1993, which included a high degree of participation from the regulated industry. RSPA and DOI's Minerals Management Service (MMS) solicited public comments on a draft MOU through a joint Federal Register notice (60 FR 27546; May 24, 1995). The notice also announced a public meeting at the MMS Gulf of Mexico regional office in New Orleans, Louisiana, on August 1, 1995, to discuss the proposal. Over 70 people attended the meeting, which generated over 100 pages of comments from natural gas and petroleum trade organizations; natural gas and oil exploration and production companies; transmission companies; offshore construction companies; and industry consultants. Twenty-three individuals and organizations submitted written comments on the Federal Register notice. A transcript of this meeting and copies of the comments are available in Docket No. RSPA-97-2096.

In May 1996, RSPA and MMS met with an industry workgroup representing OCS oil and natural gas producers and transmission pipeline operators. The workgroup proposed that the agencies allow individual operators of production and transportation facilities to define the boundaries of their respective facilities. They suggested that producers and transporters can best make such decisions based on the unique operating characteristics of each facility. Under this rule, RSPA would establish and enforce design, construction, operation, and maintenance regulations and investigate certain accidents for all OCS transportation pipelines beginning downstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Producing operators are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporting operators are companies which are engaged in the transportation of those hydrocarbons.

Intent of the Rule

The intent of this rule is to require OCS production and transportation pipeline operators to designate the specific points on their pipelines where operating responsibility transfers from a producing operator to an adjoining transporting operator. The rule would amend 49 CFR parts 191, 192 and 195. Generally, operators will have 60 days after the date the rule becomes final to durably mark the specific points at which operating responsibility transfers. In most cases, the specific transfer points will be easily identifiable because of specific valves or flanges where the adjoining operations connect, or because of differences in paint used by adjoining operators to protect and maintain pipeline coatings or surfaces. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have 180 days after the final rule becomes effective to identify the transfer points on a schematic. The 180-day period will give operators time to identify the transfer points during routine maintenance. If it is not practicable to durably mark a transfer point, and the transfer point is located above water, then the operator must depict the transfer point on a schematic maintained near the transfer point. Some transfer points may be located underwater. In such cases, the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to RSPA upon request.

For those instances in which adjoining operators do not or can not agree on a transfer point, RSPA's Office of Pipeline Safety (OPS) and MMS will make a joint determination of the boundary.

The OPS and MMS may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to the general boundary description (operations transfer point) on a facility-by-facility or area-by-area basis. Operators may also petition OPS and MMS for exceptions to the general boundary description.

Conversion to service: A pipeline previously used in service and not subject to DOT regulations which

comes under these regulations as a result of this rulemaking qualifies for use under the DOT regulations if the operator prepares and follows a written procedure to carry out the requirements of 49 CFR 192.14 or 195.5 (Conversion to service subject to this part). Pipeline segments designed and constructed under DOT regulations before March 19, 1998 may continue to operate under DOT design and construction requirements until significant modifications or repairs are made to those segments. After March 19, 1998 DOI operational and maintenance requirements will apply to those segments.

Rulemaking Analysis

The December 1996 MOU redefined the DOT/DOI regulatory boundary definition from the OCS facility where hydrocarbons are "first produced, separated, dehydrated, or otherwise processed" to the point at which "operating responsibility for the pipelines transfers from a producing operator to a transporting operator". The MOU places, to the greatest extent practicable, producer-operated pipelines under DOI regulation and transporter-operated pipelines under DOT regulation. The changes in this rule would substantially reduce the regulatory burdens currently caused by the overlapping Federal regulatory responsibilities and the inconsistencies between the requirements. The changes will substantially increase the efficiency of governmental resources on the OCS without compromising safety.

Executive Order (E.O.) 12866

RSPA reviewed this rule under E.O. 12866 and determined that this is not an economically significant rule. The Office of Management and Budget (OMB) has not asked to review this rule under E.O. 12866.

Regulatory Flexibility Act

Oil and gas and production and transportation companies are classified under Standard Industrial Codes (SIC's) by the Census Bureau. The Small Business Administration further classifies "small businesses" in the various offshore sectors as follows: (1) Oil and gas producers that have fewer than 500 employees, (2) liquid pipeline companies that have fewer than 1,500 employees; (3) natural gas pipeline companies that have gross annual receipts of \$25 million or less; and (4) offshore oil and gas field exploration service or production service companies that have gross annual receipts of \$5 million or less. There are many companies on the OCS that are "small businesses" by these definitions. However, the technology necessary for conducting offshore oil and gas exploration and development activities is very complex and costly, and most entities that engage in offshore activities have considerable financial resources well beyond what would normally be considered "small business." These entities customarily conduct their operations by contracting with offshore drilling or service companies and therefore tend to have relatively few employees compared to the considerable financial resources of their operations.

This rule would affect a substantial number of "small entities;" however, the economic effects of the rule would not be significant. The economic effects on the oil and gas production and transportation companies directly affected by the rule would be insignificant because of the minimal costs that operators incur during the first year that the rule is implemented. (In that year, offshore producers would have to identify all points on their pipelines at which operating responsibility transfers from a producer to a transporter. In succeeding years there would be virtually no economic impact resulting from the rule.) The offshore service companies would be indirectly affected by the rule through their contractual relationships with the primary producing and transporting companies—they would not be directly regulated in any way. This rule would not impose any new restrictions on small pipeline service companies or manufacturers, nor will it cause their business practices to change. To the extent that this rule might eventually cause some of the relatively larger OCS operators to make modifications to their pipelines, it may have a minor beneficial effect of increasing demand for the services and equipment of smaller service companies and

manufacturers.

Paperwork Reduction Act

This rule contains a collection of information which RSPA is Submitting to the Office of Management and Budget (OMB) for review and approval under section 3507(d) of the Paperwork Reduction Act of 1995. As part of RSPA's continuing effort to reduce paperwork and respondent burdens, RSPA invites the public and other Federal agencies to comment on any aspect of the reporting burden in 49 CFR 192 and 195 as amended by this DFR. Submit your comments to the Office of Information and Regulatory Affairs; OMB; Attention: Desk Officer for the Department of Transportation (Docket No. RSPA 97-2096); Washington, D.C. 20503. Send a copy of your comments to L.E. Herrick, Room 2335, 400 Seventh Street, Washington, DC 20590-0001. You may obtain a copy of the supporting statement for the collection of information by contacting the Dockets Facility.

OMB may make a decision to approve or disapprove this collection of information after 30 days from receipt of our request. Therefore, your comments are best assured of being considered by OMB if OMB receives them within that time period. However, RSPA will consider all comments received during the comment period for this direct final rule.

The Paperwork Reduction Act of 1995 provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The title of this collection of information is "49 CFR 191, 192 and 195 Pipeline Safety: Regulations Implementing Memorandum of Understanding with the Department of the Interior."

The collection of information in the DFR and for each transporter operating a pipeline consists of: (1) Reviewing existing pipeline maps, (2) conferring and agreeing with operators of adjoining production pipeline segments concerning the locations of specific transfer points, and (3) either marking directly on each pipeline or depicting on a schematic the specific point on each pipeline where operating responsibility transfers from the producing operator to a transporting operator. As stated above under the "Intent of the Rule" section, specific transfer points will be easily identifiable in most cases, either because of specific valves or flanges where the adjoining operations connect, or because of differences in paint that adjoining operators use to protect and maintain pipeline coatings or surfaces.

Generally operators will have until 60 days after the date the rule becomes final to durably mark the points at which operating responsibility transfers. For those relatively few instances where the transfer points are not identifiable by durable marking, operators will have 180 days after the date the rule becomes final to identify, on a schematic, the transfer points. The requirement to identify the boundary is mandatory. The RSPA will use the information to determine the demarcation where DOT will establish and enforce design, construction, operation, and maintenance regulations and investigate certain accidents, as distinguished from MMS responsibilities.

In calculating the burden, RSPA assumed that respondents perform most of the requirements and maintain records in the normal course of their activities, such as painting their pipelines and maintaining valves and flanges. RSPA considers these to be usual and customary practices and did not include them in the burden estimates. Commenters are invited to provide information if they disagree with this assumption and they should tell RSPA what are the burden hours and costs imposed by this collection of information (i.e., marking of transfer points).

The regulated community consists of approximately 160 Federal OCS oil and gas producers and 70 transportation pipeline operators. There are approximately 3,000 points where operating responsibility for pipelines transfers from a producer to a transporter. The RSPA assumes from discussions with MMS and the operators that about 2,400 (representing 80 percent) of these transfer points are already marked. Therefore, this rulemaking would require a one-time identification and marking of about 600 points where operating responsibility for pipelines transfers from a producer to a transporter. For the 2,400 transfer

points that are clearly marked, there would be no information burden. The 600 unmarked transfer points, on the other hand, would require widely-varying times for identification depending on whether a painted line or a schematic was used to identify the transfer point.

The public reporting burden for this information collection requirement is estimated to average 5 hours per response for each transfer point. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the required marking. Based on 600 unmarked transfer points, RSPA estimates that the total one-time burden of this collection of information to be 3,000 hours total. The average annualized burden over a 3-year period would be 1,000 hours. Based on \$35 per hour, the total burden hour cost to respondents is estimated to be \$35,000 annually.

Takings Implication Assessment

The DOT certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

Unfunded Mandates Reform Act of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments, nor would it impose significant regulatory costs on the private sector. Anticipated costs to the private sector will be far below the \$100 million annual threshold that was established by the Unfunded Mandates Reform Act.

E.O. 12988

The DOT has certified to OMB that this regulation meets the applicable civil justice reform standards provided in Sections 3(a) and 3(b)(2) of E.O. 12988.

National Environmental Policy Act

The DOT has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, preparation of an Environmental Impact Statement is not required.

List of Subjects

49 CFR Part 191

Gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, RSPA amends 49 CFR parts 191, 192 and 195 as follows:

PART 191--[AMENDED]

1. The authority citation for part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

2. Section 191.1 is amended by adding paragraph (b)(3) to read as follows:

Sec. 191.1 Scope.

(b)***

(3) On the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

3. Section 191.3 is amended by adding a definition in alphabetical order to read as follows:

Sec. 191.3 Definitions.

Outer Continental Shelf means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

PART 192--[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; 49 CFR 1.53.

2. Section 192.1 is amended by adding paragraph (b)(5) to read as follows:

Sec. 192.1 Scope of part.

(b)***

(5) On the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

3. Section 192.3 is amended by adding a definition in alphabetical order to read as follows:

Sec. 192.3 Definitions.

Outer Continental Shelf means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the

subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

4. Section 192.10 is added to read as follows:

Sec. 192.10 Outer continental shelf pipelines.

Operators of transportation pipelines on the Outer Continental Shelf (as defined in the Outer Continental Shelf Lands Act; 43 U.S.C. 1331) must identify on all their respective pipelines the specific points at which operating responsibility transfers to a producing operator. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have until September 15, 1998 to identify the transfer points. If it is not practicable to durably mark a transfer point and the transfer point is located above water, the operator must depict the transfer point on a schematic located near the transfer point. If a transfer point is located subsea, then the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to RSPA upon request. For those cases in which adjoining operators have not agreed on a transfer point by September 15, 1998 the Regional Director and the MMS Regional Supervisor will make a joint determination of the transfer point.

PART 195--[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.1 is amended by adding a new paragraph (b)(6) and redesignating paragraphs (b)(6) through (b)(8) as paragraphs (b)(7) through (b)(9) to read as follows:

Sec. 195.1 Applicability.

(b) ***

(6) Transportation of hazardous liquid or carbon dioxide in Outer Continental Shelf pipelines which are located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator.

3. Section 195.2 is amended by adding a definition in alphabetical order to read as follows:

Sec. 195.2 Definitions.

Outer Continental Shelf means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in Section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

4. Section 195.9 is added to read as follows:

Sec. 195.9 Outer continental shelf pipelines.

Operators of transportation pipelines on the Outer Continental Shelf must identify on all their respective pipelines the specific points at which operating responsibility transfers to a producing operator. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have until September 15, 1998 to identify the transfer points. If it is not practicable to durably mark a transfer point and the transfer point is located above water, the operator must depict the transfer point on a schematic maintained near the transfer point. If a transfer point is located subsea, the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to RSPA upon request. For those cases in which adjoining operators have not agreed on a transfer point by September 15, 1998 the Regional Director and the MMS Regional Supervisor will make a joint determination of the transfer point.

Issued in Washington D.C. on November 12, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 97-30216 Filed 11-18-97; 8:45 am]

BILLING CODE 4910-60-P

Docket No. RSPA-97-2251; Amdt [REDACTED]

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, 192, 193, 195, and 199

[Docket No. RSPA-97-2251; Amdt Nos. 190-7; [REDACTED]; 192-83(84); 193-15; 194-2; 195-61; 198-3; 199-17.]

RIN 2137-AD03

Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997)

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Direct final rule.

SUMMARY: This final rule is part of an annual effort by OPS to improve safety by clarifying and updating the pipeline safety regulations. Revisions include updated references to voluntary specifications and standards incorporated by reference, and various clarifications and grammatical corrections. These updates reflect the most recent editions of each specification and standard incorporated by reference to enable pipeline operators to utilize current technology, materials, and practices. In addition, certain gender-specific terms have been replaced with gender-neutral terms. Consistent with the President's goals of regulatory reinvention and improvement of customer service, this final rule updates the pipeline safety regulations for 1997, thereby reducing costs and enhancing economic growth.

EFFECTIVE DATES: This direct final rule takes effect May 4, 1998. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of May 4, 1998. If RSPA does not receive any adverse comment or notice of intent to file an adverse comment by March 19, 1998 the rule will become effective on the date specified. RSPA will issue a subsequent notice in the Federal Register by April 20, 1998 after the close of the comment period to confirm that fact and reiterate the effective date. If an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the Federal Register to confirm that fact and RSPA would withdraw the direct final rule in whole or in part. RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

ADDRESSES: Comments should be sent to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590-0001. Comments should identify the docket number (RSPA-97-2251). Persons should submit the original document and one (1) copy.

Persons wishing to receive confirmation of receipt of their comments must include a self-addressed, stamped postcard. The Dockets Facility is located on the plaza level of the Nassif Building in Room Number 401, 400 Seventh Street, SW, Washington, DC. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays when the facility is closed.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366-0918, or by e-mail (eben.wyman@rspa.dot.gov), regarding the subject matter of this Notice; or the Dockets Unit, (202) 366-4453, for copies of this final rule or other material in the docket. Further information can be obtained by accessing OPS' Internet Home Page at: ops.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

In a March 1995 memorandum, President Clinton directed Federal regulatory agencies to, among other things, conduct a page-by-page review of all agency regulations, cutting or revising those that were obsolete, intrusive, or better handled by parties other than the Federal government (i.e., private business, State, or local government).

In response to the President's directive, RSPA issued a final rule on May 24, 1996 (61 FR 26121) that updated references to voluntary specifications and standards. This rulemaking is the second annual update of the pipeline safety regulations to reduce unnecessary burdens on the regulated community and to ensure that the pipeline safety regulations incorporate the most current technical standards and specifications.

Incorporation by Reference

RSPA is incorporating by reference all or portions of nine updated documents containing practices, codes, standards, and specifications developed and published by technical organizations, including the American Society of Mechanical Engineers, American Society for Testing and Materials, Manufacturers Standardization Society of the Valve and Fittings Industry, and National Fire Protection Association. The updated standards incorporate the latest technology and engineering practice. Adoption of these updated documents assures that pipeline operators will not be unnecessarily burdened with outdated materials, design, and construction requirements.

These documents can be obtained by contacting the following organizations:

1. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.
2. The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017.
3. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NW, Vienna, VA 22180.
4. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

These documents are available for inspection at the following locations:

1. Office of Pipeline Safety, room 2335, U.S. Department of Transportation, 400 7th Street,

SW, Washington, DC 20590.

2. Office of the Federal Register, 800 N. Capitol Street, NW, Suite 700, Washington, DC 20408.

Other revisions

Clarifications

This document amends the following pipeline safety regulations to clarify their meaning:

1. Section 192.16(b)(5) states that "The operator (if applicable), plumbers, and heating contractors can assist in locating, inspecting, and repairing the customer's buried piping." This final rule clarifies the reference by deleting the term "plumbers" and inserting the phrase "plumbing contractors".

2. Section 192.614(b)(5) requires operators to "Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins." This requirement can be confusing to the operator in terms of interpreting the meaning of "as far as practical." Therefore, this final rule amends this paragraph to require temporary marking of buried pipelines before excavation activities begin "except in emergency situations."

3. Section 195.56(a) describes safety-related condition reports "under §191.55(a) . . .", which is inaccurate. Safety-related condition report requirements for Part 195 are contained in §195.55(a). This final rule makes that clarification.

4. The last line of §199.17(a) provides that "samples may be discarded following the end of the 365-period." This final rule clarifies that samples may be discarded following the end of the "365-day period." Also, this final rule revises the language containing the term "his representative," on line 8, to remove the specific reference to gender.

Grammatical Corrections

In various sections of the pipeline safety regulations, minor grammatical errors exist that need correction, and gender-specific language that need revision. The following are the grammatical corrections covered in this rulemaking:

1. §190.7(a)—addition of a comma after the term "RSPA", on line 5, and revision of the language containing the term "him," on line 8, to remove the specific reference to gender.
2. §190.203(a)—addition of a comma after the term "OPS", on line 3.
3. §190.209—addition of a comma after the term "violation", on line 2.
4. §192.107(b)(2)—addition of a comma after the term "section", on line 3.
5. §193.2059(d)(1)(i)—deletion of the comma after the term "but" and the addition of a comma after the term "system" on line 8.

Updates

In §191.21 of the pipeline safety regulations, an authorization date follows the Office of Management and Budget (OMB) Control Number. Although the OMB number is still current, this notice removes the unnecessary authorization date. This section is amended to read as follows:

1. §191.21--the chart provided in this section is amended to remove the reference to the March 31, 1986, as the final date of approval for this OMB Control Number. This number is still current and there is no date limiting its authority.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735) and, therefore, was not reviewed by the Office of Management and Budget (OMB). The final rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

Executive Order 12612

The final rule has been analyzed with the principles and criteria in Executive Order 12612 ("Federalism") (52 FR 41685), and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

Based on the facts available, I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects

49 CFR Part 190

Compliance, Pipeline safety, Reporting.

49 CFR Part 191

Annual reports, Incident reports, Pipeline safety.

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 193

Incorporation by reference, Liquefied natural gas (LNG), Pipeline safety.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

49 CFR Part 199

Drug and alcohol testing, Pipeline safety.

In consideration of the foregoing, RSPA amends 49 CFR Parts 190, 191, 192, 193, 195, and 199 as follows:

PART 190--[AMENDED]

1. The authority citation for Part 190 continues to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101-5127, 60101 et seq.; and 49 CFR 1.53.

2. Paragraph (a) of §190.7 is revised to read as follows:

§190.7 Subpoenas; witness fees.

(a) The Administrator, RSPA, the Chief Counsel, RSPA, or the official designated by the Administrator, RSPA, to preside over a hearing convened in accordance with this part, may sign and issue subpoenas individually on their own initiative or, upon request and adequate showing by any person participating in the proceeding that the information sought will materially advance the proceeding.

* * * * *

3. Paragraph (a) of §190.203 is revised to read as follows:

§190.203 Inspections.

(a) Officers, employees, or agents authorized by the Associate Administrator for Pipeline Safety, RSPA, upon presenting appropriate credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties are relevant to determining the compliance of such persons with the requirements of 49 U.S.C. 60101 et seq., or regulations or orders issued thereunder.

* * * * *

4. The introductory text of §190.209 is revised to read as follows:

§190.209 Response options.

Within 30 days of receipt of a notice of probable violation, the respondent shall respond to the Regional Director who issued the notice in the following way:

* * * * *

PART 191--[AMENDED]

1. The authority citation for Part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, and 60124; and 49 CFR 1.53.

§191.21 [Amended]

2. The heading of the chart in §191.21 is amended to remove the phrase "APPROVED THROUGH MARCH 31, 1986."

PART 192--[AMENDED]

1. The authority citation for Part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53.

2. Paragraph (b)(5) of §192.16 is revised to read as follows:

§192.16 Customer notification.

* * * * *

(b) * * *

(5) The operator (if applicable), plumbing contractors, and heating contractors can assist in locating, inspecting, and repairing the customer's buried piping.

* * * * *

3. Paragraph (b)(2) of §192.107 is revised to read as follows:

§192.107 Yield strength (S) for steel pipe.

* * * * *

(b) * * *

(2) If the pipe is not tensile tested as provided in paragraph (b)(1) of this section, 24,000 p.s.i.

4. Paragraph (c)(5) of §192.614 is revised to read as follows:

§192.614 Damage prevention program.

* * * * *

(c) * * *

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before the activity begins, except in emergency situations.

* * * * *

5. Appendix A of part 192 is amended by revising paragraphs II. C (1), (2), (9) and (10), II. E (1) and II. F (1) to read as follows:

Appendix A To Part 192—Incorporated by Reference

II. Documents incorporated by reference. (Numbers in parentheses indicate applicable editions.)

* * * * *

C. * * *

(1) ASTM Designation: A 53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless" (A53-96).

(2) ASTM Designation A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-95).

* * * * *

(9) ASTM Designation D638 "Standard Test Method for Tensile Properties of Plastics" (D638-96).

(10) ASTM Designation D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing and Fittings" (D2513-96a).

* * * * *

E. * * *

(1) MSS SP44-96 "Steel Pipe Line Flanges" (includes 1996 errata) (1996).

* * * * *
F. * * *
(1) NFPA 30 "Flammable and Combustible Liquids Code" (1996).
* * * * *

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53

2. Paragraph (d)(1)(i) of §193.2059 is revised to read as follows:

§193.2059 Flammable vapor-gas dispersion protection.

* * * * *
(d) * * *
(1) * * *
(i) The rate of vaporization is not less than the sum of flash vaporization and vaporization from boiling by heat transfer from contact surfaces during the time necessary for spill detection, instrument response, and automatic shutdown by the emergency shutdown system, but not less than 10 minutes, plus, in the case of impounding systems for LNG storage tanks with side or bottom penetrations, the time necessary for the liquid level in the tank to reach the level of the penetration or equilibrate with the liquid impounded assuming failure of the internal shutoff valve.
* * * * *

3. Appendix A to Part 193 is amended by revising paragraphs II.E(1), II.G(1), to read as follows:

Appendix A To Part 193—Incorporation By Reference

* * * * *
II. Documents Incorporated by Reference. (Numbers in Parentheses Indicate Applicable Editions.)
* * * * *
E. * * *
1. ASME/ANSI B31.3 "Process Piping" (1996)—Includes 1996 Addenda.
* * * * *
G. * * *
1. NFPA 30 "Flammable and Combustible Liquids Code" (1996)

* * * * *

PART 195--[AMENDED]

1. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.3 is amended by revising paragraph (c)(5) (i) and (ii) to read as follows:

§195.3 Matter incorporated by reference.

* * * * *

(c) * * *

(5) * * *

(i) ASTM Designation A 53 "Standard specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A 53-96).

(ii) ASTM Designation: A 106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A 106-95).

* * * * *

3. Paragraph (a) of §195.56 is revised to read as follows:

§195.56 Filing safety-related condition reports.

(a) Each report of a safety-related condition under §195.55(a) must be filed (received by the Administrator) in writing within 5 working days (not including Saturdays, Sundays, or Federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. To file a report by facsimile (fax), dial (202) 366-7128.

* * * * *

PART 199--[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 46 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Paragraph (a) of §199.17 is revised to read as follows:

§199.17 Retention of samples and retesting.

(a) Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365-day period, the employee or the employee's representative, the operator, the Administrator, or, if the operator is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If, within the 365-day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the 365-day period.

* * * * *

Issued in Washington, DC on January 27, 1998.

Kelley S. Coyner,
Acting Administrator.

[FR Doc. 98-2898 Filed 2-13-98; 8:45 am]

BILLING CODE 4910-60-P

Docket No. PS-153; Amdt. [REDACTED]

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR PARTS 191, 192, 193, 194, 195

[Docket PS-153; Amdt. [REDACTED]; 192-85; 193-16; 194-3; 195-63.]
RIN 2137-AC98

Metric Equivalents

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the pipeline safety regulations to provide metric equivalents. The metric equivalents are being provided for informational purposes only. Operators would continue to use the English measures for purposes of compliance and enforcement. No changeover to the metric system of measurement is being contemplated at this time. This may be reconsidered in the future.

DATES: Effective July 13, 1998.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366-6205, or by e-mail at marvin.fell@rspa.dot.gov regarding the subject matter of this final rule or regarding copies of this final rule and other material in the docket.

SUPPLEMENTARY INFORMATION:

I. Background

Executive Order 12770, titled "Metric Usage in the Federal Government" (July 25, 1991), requires Federal agencies to use metric measures in their business-related activities as a means to implement the metric system of measures as the preferred system of weights and measures for the United States. ¹ In order to explore its responsibilities under this Executive Order, RSPA published an Advance Notice of Proposed Rulemaking (ANPRM) on October 23, 1996 (61 FR 55069). RSPA also held a public meeting on January 10, 1997 in Dallas, Texas. On March 11, 1997, RSPA published an additional notice seeking further comment on the metrication issue, particularly on the publication of metric equivalents for all numerical measures in the pipeline safety regulations. After considering the public comments to the notice and the opinions expressed at the public meeting, RSPA published a Notice of Proposed Rulemaking (NPRM) on December 29, 1997 (62 FR 67602-67607).

¹ Section 2(a) of Executive Order 12770 states that "[t]he head of each executive department and

agency shall use * * * the metric system of measurement in Federal Government procurements, grants and other business-related activities. Other business-related activities include all use of measurement units in agency programs and functions related to trade, industry, and commerce."

In its October 23, 1996, Notice of Public Meeting, RSPA requested comments on seven questions. These questions concerned the best method for providing metric conversion and the cost impact of conversion on the pipeline industry, including the impact on small entities. The majority of respondents were pipeline operators who opposed metric-only regulations. As an alternative, they favored providing metric equivalents. They cited the increased costs that could result from metric conversion with no increase in safety. Some operators contended that metric-only regulations might adversely impact small entities by imposing training and administrative costs that would not contribute to pipeline safety. A few commenters were in favor of metric only regulations.

RSPA received 13 comments to its NPRM, including two from individuals involved in metrication issues, three trade associations representing propane transporters and natural gas distribution and transmission operators, and eight hazardous liquid and gas pipeline operators. There was near unanimous agreement with RSPA's proposal to provide metric equivalents while maintaining English as the measure to be used for compliance. Several operators stated that requiring a metric only rulemaking would significantly add to compliance costs without adding any safety benefits. However, two commenters suggested that operators be able to choose whether to comply with metric or English measures. RSPA believes that these two commenters have a good point. RSPA would like to hear from any operator who would like to comply in metric rather than English. RSPA believes that this should add little to the government compliance costs.

The NPRM proposed displaying the metric measurement first, followed by the English equivalent in parenthesis.

The comment cited most frequently by commenters is that since English will remain the measure for compliance purposes it would be appropriate to present the English measure first with the metric in parentheses. RSPA concurs with this comment. Therefore, RSPA will present all English measures with metric measures following in parentheses.

Several commenters noted that RSPA in its NPRM was not consistent in its use of significant figures and that RSPA use the American Society for Testing and Material (ASTM) Standard for Metric Practice. RSPA concurs with this suggestion in its final rule. A few commenters noted where RSPA had either overlooked a conversion or made errors in the conversion. RSPA has made the appropriate corrections. Two comments were received that a conversion was made on regulations that have expired. RSPA will remove these regulations next time it updates its regulations.

By providing English measures and metric equivalents in its pipeline safety regulations, RSPA provides the benefit of increasing public understanding of the metric system, the goal of Executive Order 12770. Providing metric equivalents also meets the requirement that "metric usage shall not be required to the extent that such use is impractical or cause significant inefficiencies or loss of markets to United States firms." (Executive Order 12770 of July 25, 1991).

A complete conversion to the metric system would prove extremely costly to pipeline operators because most pipelines were designed using English measures. Converting these pipelines to metric-only measures would be a very time-consuming process involving considerable expenditure, including educating pipeline employees in use of the metric system.

One pipeline operator noted in its comments that the metrication process in pipeline safety dates to 1978 when sections 192.121 and 192.123 were amended to include both English and metric measures. No changeover to the metric system of measurement is being contemplated at this time. This may be reconsidered in the future.

On May 4, 1998 at its joint meeting of the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC), the two Congressionally mandated advisory committees, OPS presented details concerning its metric equivalents NPRM and the summary of the comments received. These two committees voted overwhelming approval for OPS's metric equivalency proposal with one recommended change. This was that the metric equivalent be placed in parentheses after the English measure. There was one dissenting vote. The dissenter wanting the English measure in parentheses.

II. Regulatory Analyses and Notices

A. The Department of Transportation (DOT) does not consider this action to be a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735; October 4, 1994) and does not consider this action significant under DOT's regulatory policies and procedures (44 FR 1103; February 26, 1979). Therefore, this rulemaking was not reviewed by the Office of Management and Budget.

Because this proposed change to the regulations providing metric equivalents for all English measures is for informational and educational purposes only, and imposes no new requirements on pipeline operators, it will have no economic impact. Therefore, no regulatory evaluation is necessary.

B. Regulatory Flexibility Act

As discussed above this rule has no economic impact. Therefore, I certify pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12612

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685). RSPA has determined that the action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Paperwork Reduction Act

This rule change has no impact on the amount of paperwork required by these regulations.

E. Unfunded Mandates Reform Act of 1995

This rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more to either State or local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects

49 CFR Part 191

Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

49 CFR Part 192

Natural gas, Pipeline safety.

49 CFR Part 193

Liquefied natural gas (LNG), Pipeline safety.

49 CFR Part 194

Oil pollution, Reporting and recordkeeping requirements.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety.

In consideration of the foregoing, RSPA proposes to amend 49 CFR parts 191-195 as follows:

PART 191--[AMENDED]

1. The authority citation for part 191 continues to read as follows:

Authority: 49 U.S.C. 5121, 60102, 60103, 60104, 60108, 60117, 60118, 60124, and 49 CFR 1.53.

2. In part 191, in the following section remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section No.	Remove	Add
191.23(b) (3)	220 yards.....	220 yards (200 meters)

3. Amend section 191.27 by revising paragraph (a)(4) to read as follows:

Sec. 191.27 Filing offshore pipeline condition reports.

(a) * * *

(4) Total length of pipeline inspected.

* * * * *

PART 192--[AMENDED]

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118, and 49 CFR 1.53.

2. In part 192, for the following sections, remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section	Remove	Add
192.3 Definitions:		
Exposed pipeline.....	15 feet.....	15 feet (4.6 meters).
Gulf of Mexico and its inlets.	15 feet.....	15 feet (4.6 meters).
Hazard to navigation.....	12 inches.....	12 inches (305 millimeters).
	15 feet.....	15 feet (4.6 meters).
Petroleum gas.....	1434 kPa (208 psig) at 38 deg. C (100 deg. F).	208 psi (1434 kPa) gage at 100 deg. F (38 deg. C).
192.5(a) (1).....	220 yards.....	220 yards (200 meters).
	1-mile.....	1-mile (1.6 kilometers).
192.5(b) (3) (ii).....	100 yards.....	100 yards (91 meters).
192.5(c) (1).....	220 yards.....	220 yards (200 meters).
192.5(c) (2).....	220 yards.....	220 yards (200 meters).
192.55(c).....	6,000 p.s.i.....	6,000 p.s.i. (41 MPa).
192.105(a).....	Pounds per square inch gauge. Pounds per square inch. Inches.....	Pounds per square inch (kPa) gage. Pounds per square inch (kPa). Inches (millimeters).
192.107(b) (2).....	24,000 p.s.i.....	24,000 p.s.i. (165 MPa).
192.109(b).....	20 inches (twice)	20 inches (508 millimeters).
192.113.....	4 inches (twice).	4 inches (102 millimeters).
192.115 table.....	Fahrenheit..... 250..... 300..... 350..... 400..... 450.....	Fahrenheit (Celsius). 250 deg.F (121 deg.C). 300 deg.F (149 deg.C). 350 deg.F (177 deg.C). 400 deg.F (204 deg.C). 450 deg.F (232 deg.C).
192.121.....	23 deg.C (73 deg.F). 38 deg.C (100 deg.F). 49 deg.C (120 deg.F). 60 deg.C (140 deg.F). 75,842 kPa (11,000 psi).	73 deg.F (23 deg.C). 100 deg.F (38 deg.C). 120 deg.F (49 deg.C). 140 deg.F (60 deg.C). 11,000 psi (75,842 kPa).
192.123(b) (1).....	-29 deg.C (-20	-20 deg.F (-20

	deg.F) twice.	deg.C).
	-40 deg.C (-40 deg.F).	-40 deg.F (-40 deg.C).
192.123(b) (2) (i).....	23 deg.C (73 deg.F).	73 deg.F (23 deg.C).
	38 deg.C (100 deg.F).	100 deg.F (38 deg.C).
192.123(b) (2) (ii).....	66 deg.C (150 deg.F).	150 deg.F (66 deg.C).
192.123(c).....	1.57 millimeters (0.062 in).	0.062 inches (1.57 millimeters).
192.123(d) table.....	Inches..... Millimeters (inches).	Inches (millimeters). Inches (millimeters).
	2.....	2 (51).
	1.52(0.060) twice	0.060 (1.52).
	3.....	3 (76).
	4.....	4 (102).
	1.78 (0.070).....	0.070 (1.78).
	6.....	6 (152).
	2.54 (0.100).....	0.100 (2.54).
192.125(a).....	0.065 inches.....	0.065 inches (1.65 millimeters).
192.125(b).....	inch (3 times)...	Inch (millimeter).
	\1/2\.....	\1/2\ (13).
	\5/8\.....	\5/8\ (16).
	\3/4\.....	\3/4\ (19).
	1.....	1 (25).
	1\1/4\.....	1\1/4\ (32).
	1\1/2\.....	1\1/2\ (38).
	.625.....	.625 (16).
	.750.....	.750 (19).
	.875.....	.875 (22).
	1.125.....	1.125 (29).
	1.375.....	1.375 (35).
	1.625.....	1.625 (41).
	.040.....	.040 (1.06).
	.042.....	.042 (1.07).
	.045.....	.045 (1.14).
	.050.....	.050 (1.27).
	.055.....	.055 (1.40).
	.060.....	.060 (1.52).
	.0035 (twice).....	.0035 (.0889).
	.004 (twice).....	.004 (.102).
	.0045 (twice).....	.0045 (.1143).
192.125(c).....	100 p.s.i.g.....	100 p.s.i (689 kPa) gage.
192.125(d).....	0.3 grains per 100 standard cubic feet.	0.3 grains/100 ft ³ (6.9/m ³) under standard conditions. Standard conditions refers to 60 deg.F and 14.7 psia (15.6 deg. C and one atmosphere).
192.145(d) (1).....	1,000 p.s.i.g....	1,000 p.s.i. (7 MPa) gage.
192.150(b) (7).....	10 inches.....	10 inches (254

192.151(c) (2).....	1\1/4\ inch.....	millimeters). 1\1/4\ inch (32 millimeters).
	4-inch.....	4-inch (102 millimeters).
	6-inch.....	6-inch (152 millimeters).
192.153(d).....	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
	3 inches.....	3 inches (76 millimeters).
192.163(b) (1).....	2 inches.....	2 inches (51 millimeters).
192.163(d).....	200 feet.....	200 feet (61 meters).
192.167(a) introductory text.	1,000 horsepower.	1,000 horsepower (746 kilowatts).
192.167(a) (4) (iii).....	500 feet.....	500 feet (153 meters).
192.175(b).....	C=(3DxPxP/1,000).	C=(DxPxP/48.33) (C=(3DxPxP/1,000)).
	Inches (twice)...	Inches (millimeters).
	p.s.i.g.....	p.s.i. (kPa) gage.
192.177(a) (1).....	1,000 p.s.i.g. (twice).	1,000 p.s.i. (7 MPa) gage.
	(feet).....	feet (meters).
	25.....	25 (7.6).
	100.....	100 (31).
192.179(a) (1).....	2\1/2\ miles.....	2\1/2\ miles (4 kilometers).
192.179(a) (2).....	4 miles.....	4 miles (6.4 kilometers).
192.179(a) (3).....	7\1/2\ miles.....	7\1/2\ miles (12 kilometers).
192.179(a) (4).....	10 miles.....	10 miles (16 kilometers).
192.183(c).....	10 inch.....	10 inch (254 millimeters).
192.187(a) introductory text.	200 cubic feet...	200 cubic feet (5.7 cubic meters).
192.187(a) (1).....	4 inches.....	4 inches (102 millimeters).
192.187(b) introductory text.	75 cubic feet....	75 cubic feet (2.1 cubic meters).
	200 cubic feet...	200 cubic feet (5.7 cubic meters).
192.197(a) introductory text.	60 p.s.i.g.....	60 p.s.i. (414 kPa) gage.
192.197 (a) (4).....	2 inches.....	2 inches (51 millimeters).
192.197(b).....	60 p.s.i.g.....	60 p.s.i. (414 kPa) gage.
192.197(c) introductory text.	60 p.s.i.g.....	60 p.s.i. (414 kPa) gage.
192.197(c) (1).....	60 p.s.i.g. (3 times).	60 p.s.i. (414 kPa) gage.
192.197(c) (3).....	125 p.s.i.g.....	125 p.s.i. (862 kPa) gage.
192.201(a) (2) (i).....	60 p.s.i.g.....	60 p.s.i. (414 kPa)

192.201(a) (2) (ii).....	12 p.s.i.g.....	12 p.s.i. (83 kPa) gage.
	60 p.s.i.g.....	60 p.s.i. (414 kPa) gage.
	6 p.s.i.g.....	6 p.s.i. (41 kPa) gage.
192.201(a) (2) (iii).....	12 p.s.i.g.....	12 p.s.i. (83 kPa) gage.
192.203(b) (3).....	400 deg. F.....	400 deg. F (204 deg. C).
192.229(d) (2) (ii).....	2 inches.....	2 inches (51 millimeters).
192.241(b) (1).....	6 inches.....	6 inches (152 millimeters).
192.283(b) (3).....	5.0 mm (0.20 in).	0.20 in (5.0 mm).
192.283(b) (4).....	102 mm (4 in)....	4 inches (102 mm).
192.283(b) (5).....	102 mm (4 in)....	4 inches (102 mm).
	38 deg. C (100 deg. F).	100 deg. F (38 deg. C).
192.309(b) (3) (i).....	one-quarter inch.	\1/4\ inch (6.4 millimeters).
	12\3/4\ inches...	12\3/4\ inches (324 millimeters).
192.309(b) (3) (ii).....	12\3/4\ inches...	12\3/4\ inches (324 millimeters).
192.313(a) (3) (ii).....	12 inches.....	12 inches (305 millimeters).
192.313(c).....	2 inches.....	2 inches (51 millimeters).
	1 inch.....	1 inch (25 millimeters).
192.315(b) (3).....	16 inches.....	16 inches (406 millimeters).
192.319(c).....	12 feet.....	12 feet (3.7 meters).
	200 feet.....	200 feet (61 meters).
	15 feet (twice)..	15 feet (4.6 meters).
	36 inches.....	36 inches (914 millimeters).
	18 inches.....	18 inches (457 millimeters).
192.321(d).....	0.090 inch.....	0.090 inch (2.29 millimeters).
	0.875 inch.....	0.875 inch (22.3 millimeters).
	0.062 inch.....	0.062 inch (1.58 millimeters).
192.325(a).....	12 inches.....	12 inches (305 millimeters).
192.327(a) table.....	Inches.....	Inches (Millimeters).
	30.....	30 (762).
	18.....	18 (457).
	36 (twice).....	36 (914).
	24 (twice).....	24 (610).
192.327(b).....	24 inches.....	24 inches (610 millimeters).
192.327(d) introductory text.	24 inches.....	24 inches (610 millimeters).

192.327(d) (1).....	24 inches.....	24 inches (610 millimeters).
192.327(e).....	48 inches.....	48 inches (1219 millimeters).
	24 inches.....	24 inches (610 millimeters).
192.327(f) introductory text.	200 feet.....	200 feet (60 meters).
192.327(f) (1).....	12 feet.....	12 feet (3.66 meters).
	36 inches.....	36 inches (914 millimeters).
	18 inches.....	18 inches (457 millimeters).
192.327(f) (2).....	12 feet.....	12 feet (3.66 meters).
192.353 (c).....	3 feet.....	3 feet (914 millimeters).
192.359(b).....	10 p.s.i.g.....	10 p.s.i. (69 kPa) gage.
192.361 (a).....	12 inches.....	12 inches (305 millimeters).
	18 inches.....	18 inches (457 millimeters).
192.371.....	100 p.s.i.g. (twice).	100 p.s.i. (689 kPa) gage.
192.373(a).....	6 inches.....	6 inches (152 millimeters).
192.381(a) introductory text.	10 psig.....	10 p.s.i. (69 kPa) gage.
192.381(a) (3) introductory text.	10 psig.....	10 p.s.i. (69 kPa) gage.
192.381(a) (3) (ii) (A).....	20 cubic feet per hour.	20 cubic feet per hour (0.57 cubic meters per hour).
192.381(a) (3) (ii) (B).....	0.4 cubic feet per hour.	0.4 cubic feet per hour (.01 cubic meters per hour).
192.455(b).....	20 feet.....	20 feet (6 meters).
192.465(a).....	100 feet.....	100 feet (30 meters).
192.475(c).....	0.25 grain of hydrogen sulfide per 100 standard cubic feet.	0.25 grain of hydrogen sulfide per 100 cubic feet (5.8 milligrams/m ³) at standard conditions.
192.505(a).....	300 feet (twice). 600 feet (twice).	300 feet (91 meters). 600 feet (183 meters).
192.507 (heading).....	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
192.507 introductory text.	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
192.507(b) (1).....	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
192.509 heading and introductory text.	100 p.s.i.g. (twice).	100 p.s.i. (689 kPa) gage.
192.509(b).....	1 p.s.i.g (twice)	1 p.s.i. (6.9 kPa) gage.

	10 p.s.i.g.....	10 p.s.i. (69 kPa) gage.
	90 p.s.i.g.....	90 p.s.i. (621 kPa) gage.
192.511(b).....	1 p.s.i.g.....	1 p.s.i. (6.9 kPa) gage.
	40 p.s.i.g.....	40 p.s.i. (276 kPa) gage.
	50 p.s.i.g.....	50 p.s.i. (345 kPa) gage.
192.511(c).....	40 p.s.i.g.....	40 p.s.i. (276 kPa) gage.
	90 p.s.i.g.....	90 p.s.i. (621 kPa) gage.
192.513(c).....	50 psig.....	50 p.s.i. (345 kPa) gage.
192.513(d).....	38 deg.C (100 deg.F).	100 deg.F (38 deg.C).
192.557(c).....	10 p.s.i.g.....	10 p.s.i. (69 kPa) gage.
192.557(d) (3).....	(inches) (twice). 3 to 8..... 10 to 12..... 14 to 24..... 30 to 42..... 48..... 54 to 60.....	inches (millimeters). 3 to 8 (76 to 203). 10 to 12 (254 to 305). 14 to 24 (356 to 610). 30 to 42 (762 to 1067). 48 (1219). 54 to 60 (1372 to 1524).
	0.075 (3 times)..	0.075 (1.91).
	0.08 (4 times)...	0.08 (2.03).
	0.09 (5 times)...	0.09 (2.29).
	0.065 (twice)....	0.065 (1.65).
	0.07 (twice).....	0.07 (1.78).
192.557(d) (4).....	11,000 p.s.i.....	11,000 p.s.i. (76 MPa) gage.
	31,000 p.s.i.....	31,000 p.s.i. (214 MPa) gage.
192.612(b) (2).....	500 yards.....	500 yards (457 meters).
	200 yards.....	200 yards (183 meters).
192.612(b) (3).....	36 inches.....	36 inches (914 millimeters).
	18 inches.....	18 inches (457 millimeters).
192.619(a) (1) (ii).....	324 mm (12\3/4\ inches). 1379 kPa (200 psig).	12\3/4\ inches (324 mm). 200 p.s.i. (1379 kPa).
192.619(a) (2) (ii).....	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
192.621(a) (2).....	60 p.s.i.g (twice).	60 p.s.i. (414 kPa) gage.
192.621(a) (3).....	25 p.s.i.g.....	25 p.s.i. (172 kPa) gage.

192.707(d) (1).....	one inch.....	1 inch (25 millimeters).
	one-quarter inch.	\1/4\ inch (6.4 millimeters).
192.715(b) (3).....	\1/8\ -inch.....	\1/8\ inch (3.2 millimeters).
192.717(a) (3).....	40,000 psi.....	40,000 p.s.i. (276 MPa) gage.
192.736(a) (2).....	1,000 horsepower.	1,000 horsepower (746 kW).
192.749(a).....	200 cubic feet...	200 cubic feet (5.66 cubic meters).
192.753(a) introductory text.	25 p.s.i.g.....	25 p.s.i. (172 kPa) gage.
192.753(b).....	25 p.s.i.g.....	25 p.s.i. (172 kPa) gage.
Appendix B (II) (A).....	2 inches (twice).	2 inches (51 millimeters).
Appendix B (II) (B).....	4 inches (twice).	4 inches (102 millimeters).
Appendix B (II) (D).....	24,000 p.s.i.....	24,000 p.s.i. (165 MPa).
Appendix C (I).....	12 inches.....	12 inches (305 millimeters).
	\1/8\ -inch.....	\1/8\ -inch (3.2 millimeters).
Appendix C (III).....	8 inches.....	8 inches (203 millimeters).
Appendix C (III) (1).....	2 inches.....	2 inches (51 millimeters).

PART 193--[AMENDED]

1. The authority citation for part 193 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60103, 60104, 60108, 60109, 60110, 60113, 60118; and 49 CFR 1.53.

2. In part 193 for the following sections remove the numbers and words in the middle column and add the numbers and words in the third column in their place as follows:

Section	Remove	Add
193.2057 (d).....	Btu/ft.\2\ hour..	Btu/ft \2\ hour (watts/m \2\).
	1,600.....	1,600 (5047).
	4,000 (twice)....	4,000 (12600).
	6,700 (twice)....	6,700 (21100).
	10,000.....	10,000 (31500).
193.2059(c) (2).....	4.5 miles per hour.	4.5 miles/hour (7.2 km/hour).
193.2061(a).....	70,000 gallons...	70,000 gallons (265,000 liters).
193.2061(b) (1).....	70,000 gallons...	70,000 gallons

		(265,000 liters).
	2 feet.....	2 feet (610 millimeters).
193.2061 (e) (1).....	100 miles.....	100 miles (161 kilometers).
193.2061 (e) (3).....	10 miles.....	10 miles (16 kilometers).
193.2061 (f) (2).....	30 inches.....	30 inches (762 millimeters).
193.2061 (f) (3).....	one mile.....	1 mile (1.6 kilometers).
	60 inches.....	60 inches (1.5 meters).
193.2067 (b) (1).....	70,000 gallons...	70,000 gallons (265,000 liters).
193.2067 (b) (2) (i).....	200 miles.....	200 miles (322 kilometers).
193.2133 (b).....	1 cubic foot.....	1 cubic foot (.035 cubic meters).
	Per square foot..	Per square foot (per square meter).
193.2153 (a).....	24 inches.....	24 inches (610 millimeters).
193.2191.....	5,000 barrels....	5,000 barrels (795 cubic meters).
193.2195 (d).....	70,000 gallons...	70,000 gallons (265,000 liters).
193.2209 (a).....	70,000 gallons...	70,000 gallons (265,000 liters).
193.2209 (b).....	70,000 gallons...	70,000 gallons (265,000 liters).
193.2211 (a).....	15 psig.....	15 psi (103 kPa) gage.
193.2211 (b).....	15 psig.....	15 psi (103 kPa) gage.
193.2233 (b).....	50 feet.....	50 feet (15 meters).
193.2321 (a).....	2 inches (twice).	2 inches (51 millimeters).
193.2321 (d).....	15 psig.....	15 psi (103 kPa) gage.
193.2321 (e).....	15 psig.....	15 psi (103 kPa) gage.
193.2327 (a).....	15 psig.....	15 psi (103 kPa) gage.
193.2327 (b).....	15 psig.....	15 psi (103 kPa) gage.
193.2519 (b).....	70,000 gallons...	70,000 gallons (265,000 liters).

PART 194—[AMENDED]

1. The authority citation for part 194 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321 (j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR

2. In part 194, for the following sections remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section	Remove	Add
194.5 Definitions, Barrel.....	42 United States gallons.	42 United States gallons (159 liters).
	60 degrees Fahrenheit.	60 deg.Fahrenheit (15.6 deg.Celsius).
High volume area.....	20 inches.....	20 inches (508 millimeters).
194.101 (b) (1).....	6 $\frac{5}{8}$ inches....	6 $\frac{5}{8}$ inches (168 millimeters).
	10 miles.....	10 miles (16 kilometers).
194.101(b) (1) (i).....	1,000 barrels....	1,000 barrels (159 cubic meters).
194.101(b) (2) (ii).....	6 $\frac{5}{8}$ inches....	6 $\frac{5}{8}$ inches (168 millimeters).
	10 miles.....	10 miles (16 kilometers).
194.103(c) introductory text..	6 $\frac{5}{8}$ inches....	6 $\frac{5}{8}$ inches (168 millimeters).
	10 miles.....	10 miles (16 kilometers).
194.103(c) (1).....	1,000 barrels....	1,000 barrels (159 cubic meters).
194.103(c) (4).....	five-mile.....	5 mile (8 kilometer).
194.103(c) (5).....	one-mile.....	1 mile (1.6 kilometer).
194.105(b) introductory text..	barrels.....	barrels (cubic meters).
194.105(b) (1).....	barrels.....	barrels (cubic meters)
194.105(b) (2).....	barrels.....	barrels (cubic meters).
194.105(b) (3).....	barrels.....	barrels (cubic meters).
Appendix A, Section 9 (h) (2) (i).	five miles.....	5 miles (8 kilometers)
Appendix A, Section 9 (h) (2) (ii).	one mile.....	1 mile (1.6 kilometer).

PART 195--[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. In part 195, for the following sections, remove the numbers or words in the middle column and add the numbers or words in the third column in their place as follows:

Section	Remove	Add
195.2 Definitions:		
Exposed pipeline.....	15 feet.....	15 feet (4.6 meters).
Gulf of Mexico and its inlets.	15 feet.....	15 feet (4.6 meters).
Hazard to navigation.....	12 inches.....	12 inches (305 millimeters).
	15 feet.....	15 feet (4.6 meters).
Specified minimum yield strength.	Pounds per square inch.	p.s.i. (kPa) gage.
195.50(b).....	50 or more barrels.	50 or more barrels (8 or more cubic meters).
195.50(c).....	Five barrels.....	5 barrels (0.8 cubic meters).
195.55(b) (1).....	220 yards.....	220 yards (200 meters).
195.57(a) (4).....	Miles.....	miles (kilometers).
195.106(a).....	Pounds per square inch gage.	p.s.i. (kPa) gage.
	Pounds per square inch.	pounds per square inch (kPa).
	Inches (twice)...	inches (millimeters).
195.106(b) (1) (i).....	168.3 mm (6 $\frac{5}{8}$ in).	6 $\frac{5}{8}$ in (168 mm).
	168.3 mm through 323.8 mm (6 $\frac{5}{8}$ through 12 $\frac{3}{4}$ in).	6 $\frac{5}{8}$ in through 12 $\frac{3}{4}$ in (168 mm through 324 mm).
	323.8 mm (12 $\frac{3}{4}$ in).	12 $\frac{3}{4}$ in (324 mm).
195.106(b) (1) (ii).....	165,474 kPa (24,000 psi).	24,000 p.s.i. (165,474 kPa).
195.106 (b) (1) (ii) (B) (2) ..	165,474 kPa (24,000 psi).	24,000 p.s.i. (165,474 kPa).
195.106(c).....	508 mm (20 in) twice.	20 inches (508 mm).
195.112(c).....	114.3 mm (4 $\frac{1}{2}$ in).	4 $\frac{1}{2}$ in (114.3 mm).
195.120(b) (6).....	10 inches.....	10 inches (254 millimeters).
195.208.....	100 p.s.i.g.....	100 p.s.i. (689 kPa) gage.
195.210(b).....	50 feet.....	50 feet (15 meters).
	12 inches.....	12 inches (305 millimeters).
195.212(b) (3) (ii).....	323.8 mm (12 $\frac{3}{4}$ in).	12 $\frac{3}{4}$ in (324 mm).
195.248(a).....	(inches).....	inches (millimeters).
	36 (4 times).....	36 (914)
	30 (twice).....	30 (762)
	48 (twice).....	48 (1219)
	18 (3 times).....	18 (457)
	24.....	24 (610)
	100 ft.....	100 ft (30 mm).
	3.7 m (12 ft)....	12 ft (3.7 m)

195.250.....	12 inches (3 times). 2 inches.....	12 inches (305 millimeters). 2 inches (51 millimeters).
195.260 (e).....	100 feet.....	100 feet (30 meters).
195.302 (c) (2) (i) (A).....	Mileage.....	Mileage (length).
195.302 (c) (2) (i) (B).....	Mileage.....	Mileage (length)
195.302 (c) (2) (ii).....	Mileage.....	Mileage (length)
195.306 (b) (2).....	300 feet.....	300 feet (91 meters).
195.306 (c) (2).....	300 feet.....	300 feet (91 meters).
195.310 (b) (9).....	100 feet.....	100 feet (30 meters).
195.406 (a) (1) (ii).....	323.8 mm (12 $\frac{3}{4}$ in). 1379 kPa (200 psig).	12 $\frac{3}{4}$ inch (324 mm). 200 p.s.i. (1379 kPa) gage.
195.410 (a) (2) (i).....	One inch..... One-quarter inch.	1 inch (25 millimeters). $\frac{1}{4}$ -inch (6.4 millimeters).
195.413 (a).....	114.3 mm (4 $\frac{1}{2}$ in).	4 $\frac{1}{2}$ inches (114 mm).
195.413 (b) (2).....	500 yards..... 200 yards.....	500 yards (457 meters). 200 yards (183 meters).
195.413 (b) (3).....	36 inches..... 18 inches.....	36 inches (914 millimeters). 18 inches (457 millimeters).
195.424 (b) (3) (ii).....	50 p.s.i.g.....	50 p.s.i. (345 kPa) gage.

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